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ABSTRACT

On January 8, 2002, President George W. Bush signed into law the revised Elementary and Secondary Education Act (ESEA). It sets deadlines for states to expand the scope and frequency of student testing, revamp their accountability systems, and guarantee that every classroom is staffed by a teacher qualified to teach in his or her subject area. It will also provide nearly $1 billion over the next 5 years to help states and districts strengthen K-3 reading programs, plus increased federal support for before- and after-school programs, school libraries, and many other programs. This report provides a summary of the major provisions and requirements of the new law, information about timelines and funding levels, an updated look at states' readiness to implement various provisions of the new law, and a set of "self-assessment" questions for policymakers to consider as they make decisions about how to move forward. Nine appendices describe the alignment of Title I and general state accountability systems for 1999-2000, examples of state approaches to comprehensive data systems, resources for adequate yearly progress, a description of corrective actions for low-performing schools, teacher preparation/certification, appropriations to states and territories, and a list of publications by the Education Commission of the States. (RT)

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No State Left Behind: The Challenges and Opportunities of ESEA 2001

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March 2002

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Introduction

On January 8, 2002, President George W. Bush signed into law the revised Elementary and Secondary Education Act (ESEA), the most significant federal education policy initiative in a generation.

This new law, a potent blend of new requirements, incentives and resources, poses enormous challenges for states. It sets deadlines for them to expand the scope and frequency of student testing, revamp their accountability systems and guarantee that every classroom is staffed by a teacher qualified to teach in his or her subject area. It requires states to make demonstrable progress from year to year in raising the percentage of students proficient in reading and math, and in narrowing the test-score gap between advantaged and disadvantaged students. And it pushes them to rely more heavily on research-based approaches to improving school quality and student performance.

But the new law also presents states with a range of new resources, tools and opportunities.

Federal spending on ESEA programs will increase significantly (see Appendix F). Nearly $1 billion a year will be provided over the next five years to help states and districts strengthen K-3 reading programs, and there will be increased federal support for before- and after-school programs, school libraries, charter schools and "reading readiness" programs for preschoolers in high-poverty neighborhoods. States and school districts will be given added flexibility in several areas, including teacher professional development and education technology, to use federal funds as they see fit. And Title I, the largest ESEA program, has been revised to give school districts with high concentrations of poor children an extra financial boost.

Implementing the reforms embodied in the revised ESEA will be a tall order. Only 15 states currently have testing programs that meet the new requirements, for example, and most states do not have the infrastructure to support the level of data collection, disaggregation and reporting that the new law requires. In an election year, with recession sapping state tax revenues and some of the new law's deadlines kicking in as early as this fall, states will have their hands full deciding not just how to comply with the new law, but how to take maximum advantage of its potential to improve student achievement.

The Education Commission of the States (ECS) stands ready to assist state leaders in the complex and challenging task at hand. This analysis, *No State Left Behind: The Challenges and Opportunities of ESEA 2001*, is the latest in a series of reports that began last year when the legislation was first introduced (see Appendix I). The series will culminate in a set of policy briefs on its major components – accountability, literacy, teaching quality, finance, flexibility and choice, and the collection, analysis and use of data.

As you will see, this report provides:
- A summary of the major provisions and requirements of the new law
- Information about timelines and funding levels
- An updated look at states' readiness to implement various provisions of the new law
- A set of "self-assessment" questions for policymakers to consider as they make decisions about how to move forward.

In preparing this report, ECS drew on a variety of sources ranging from our own 50-state surveys and analyses to government reports and other publications. The data used in this report represent the best information available at this time and may not reflect recent changes in state policy. We invite state leaders to contact ECS to share information about such changes.

In the coming months, ECS also will sponsor a series of conferences and offer technical assistance focused on comprehensive approaches to implementing the revised ESEA, and how states can use it to enhance and accelerate their education reform efforts.

For more information about these services, click on the "ESEA Essentials" button on the home page of the ECS Web site (www.ecs.org). This special section features a downloadable version of this report, ESEA-related news, and links to various sites, including the full text of the law and other useful sources of information and support.

Editor's note: Throughout this document, the terms "school districts" and "state education departments" are used rather than "local education agencies" and "state education agencies," which are used in the ESEA 2001 law. Likewise, the term "English Language Learners" is used in place of the federal term, "Limited English Proficient."

Accountability and Assessment

ESEA 2001 builds on the accountability and assessment requirements Congress put in place in 1994, and mirrors the overall direction of states' education policy initiatives over the past decade: setting standards, measuring students' progress against standards, providing help for struggling students and holding schools accountable for results.

But the new law is more specific and has more teeth. It places new pressure on states and districts to improve student achievement and close academic gaps among students of different racial, ethnic and economic backgrounds.

The law sets deadlines for states to develop annual assessments aligned to state standards and to use achievement on these tests as the primary measure of district and school accountability. Assessments must include the participation of all students, including those with disabilities and limited English proficiency. Test results must include individual student scores and be reported by race, income and other categories to measure not just overall trends, but also gaps among, and progress of, various subgroups of students.

ESEA 2001 requires states to have in place a statewide accountability system that applies to all public schools, including charter schools. States and districts will be required to include specified information in annual report cards released to the public.

States, districts and schools must make adequate yearly progress toward having all students proficient in reading and mathematics by the 2013-14 school year. The new law specifies rewards for districts and schools that make progress, as well as corrective actions for those that persistently fail to improve.

Here are the key implementation deadlines:

By the 2002-03 school year:

- States and districts must issue report cards to the public (beginning of year).
- Corrective actions apply to any school identified as in need of improvement under the 1994 ESEA reauthorization.
- States must set adequate yearly progress "starting point" based on 2001-02 data.
- Districts must assess English Language Learners (called Limited English Proficiency students in the law) for their English proficiency.
- All states must participate in National Assessment of Educational Progress 4th- and 8th-grade reading and math tests.

By the 2005-06 school year:

- States must have adopted standards for science.
- Annual statewide assessments for reading and math in grades 3-8 must be in place.

By the 2007-08 school year:

- Annual science assessments must be in place for each of the following grade spans: 3-5, 6-9 and 10-12.

State Academic and Student Achievement Standards

Requirements or Provisions

ESEA requires states to demonstrate that they have adopted challenging academic content and student achievement standards for all children. Under the 1994 ESEA reauthorization, states were required to adopt content standards in reading and math by the 1997-98 school year. The new law requires states to adopt science standards beginning in the 2005-06 school year. (States may adopt standards in additional content areas as they see fit.)

Student academic achievement standards must be aligned with the state's academic content standards and must describe at least three achievement levels: two levels of high achievement (proficient and advanced) and a basic achievement level.

The secretary of education will review states' content and student achievement standards to ensure they are challenging and apply to all students.

Allocation of Funds

Under Title 1, Part A, states may retain either 1% of their grants or $400,000, whichever amount is greater, for administrative purposes (Title I, Sec. 1004). For state appropriations under this section, see Appendix G.

Status of the States

Reading and math standards
All states have standards in mathematics and reading or language arts except Iowa, which has district-level standards.

Science standards
Nearly every state (and the District of Columbia) has adopted science standards for elementary and secondary students. Iowa requires local school districts to adopt science standards, and Ohio is in the process of developing new science standards.

(Source: Making Standards Matter 2001, American Federation of Teachers, 2001*)*

Policy Questions for State Leaders To Consider

- Has your state adopted challenging science standards for all students? What entity has evaluated these standards for rigor? Have your state's reading and math standards been evaluated?
- If your state is not in compliance with the 1994 ESEA reauthorization or has not received a waiver for developing standards, what plan does it have to enter into compliance? Will the plan meet the new deadline requirements?
- No matter how performance levels have been described in your state, on what basis have the various "cut scores" or achievement levels been determined?
- How ambitious are your state's expectations for proficiency?

It is important to consider how proficiency levels are designed, particularly when student performance at those levels defines "adequate yearly progress" for states, districts and schools.

For example, in Colorado, only 14% of 10th graders scored at proficient or advanced levels on the math portion of the 2001 Colorado Student Assessment Program (CSAP), a fact that received much public attention. A validation study by University of Colorado researchers, however, showed that the CSAP had very high "cut scores" defining performance levels. The content covered on the CSAP was considerably more difficult than both the SAT and the 12th-grade Third International Mathematics and Science Study. Further, many students who scored at the "unsatisfactory" level on CSAP scored above average on the nationally normed ACT PLAN test. The study used comparative evidence of test validity to examine performance levels and found that how such levels are set is crucial.

(Source: An Analysis of the Content and Difficulty of the CSAP 10th-Grade Mathematics Test, Lorrie A. Shepard and Dominic D. Peressini, 2002*)*

State Academic Standards and Student Achievement Standards
Title 1, Part A, Sec. 1111, Subsection (b)

Mandated
Yes

Timeline
Science standards by 2005-06

Funding Level
No direct funding; however, $10.35 billion has been appropriated for Title I, Part A.

If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirement.

If a state fails to meet deadlines established or waivers granted under the 1994 ESEA reauthorization, the secretary will withhold 25% of state administration funds. Effective 90 days after the enactment of ESEA 2001, the secretary will grant no additional waivers or deadline extensions for meeting requirements of the 1994 law.

Related Links
ECS Issue Site on Standards
www.ecs.org/html/issue.asp?issueid=113

Achieve Inc.
www.achieve.org/

Making Standards Matter 2001, American Federation of Teachers
www.aft.org/edissues/standards/msm2001/

ADEQUATE YEARLY PROGRESS (AYP)

Adequate Yearly Progress (AYP)
Title I, Part A, Sec. 1111, Subsection (b)

Mandated
Yes

Timeline
Baseline data for defining AYP comes from the 2001-02 school year. States will then have 12 years to bring all students to proficient levels (that is, by the end of the 2013-14 school year).

Funding Level
No direct funding; however, $10.35 billion has been appropriated for Title I, Part A.

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirement.

If a state fails to meet deadlines established or waivers granted under the 1994 ESEA reauthorization, the secretary will withhold 25% of state administration funds. Effective 90 days after the enactment of ESEA 2001, the secretary will grant no additional waivers or deadline extensions for meeting the requirements of the 1994 law.

Requirements or Provisions

State Title I plans require states to demonstrate they have adopted a single statewide accountability system for defining "adequate yearly progress" for all public school students (that is, a unitary system). Charter schools are included in the accountability requirements.

States must define adequate yearly progress so that all students improve their performance and achieve a state-defined "proficient" level within 12 years. Defining adequate yearly progress is left to states, but the law requires that AYP:

- Be based primarily on academic indicators (for example, student performance on tests in reading or language arts and mathematics)
- Be technically rigorous
- Apply to school, district and state levels of progress.

Further, AYP definitions must address the progress of specified subgroups of students. It will not be sufficient for schools to demonstrate schoolwide progress if certain groups of students fail to make adequate yearly progress. For schools and districts to meet state AYP objectives, students in each subgroup also must meet those objectives (as long as there are enough students in each group to ensure reliable statistical analyses).

AYP goals must be set, achievement data collected and disaggregated, and progress tracked for students by each of these subgroups:

- Economically disadvantaged students
- Major racial or ethnic group
- Students with disabilities
- English Language Learners.

A "safe-harbor" option is included to avoid over-identifying low-performing schools. In this case, if schools make a 10% reduction in the proportion of one of their student subgroups rated as not proficient, and that group also makes progress on one or more academic indicators, the school will be considered to have made AYP for that year. For example, if students in a particular subgroup are 30% proficient and achieve a 7% increase in the number of proficient students (which is a 10% reduction in the number of students – 70% – not proficient), then they would be deemed to have made adequate yearly progress, and the school would not be identified as failing.

The law also requires at least 95% of students in each subgroup to participate in the assessment (or the assessment with accommodations, modifications or an alternate assessment consistent with the Individuals with Disabilities Education Act that is used to determine AYP).

In addition, the law requires states to develop annual achievement objectives for English Language Learners' development of English proficiency. These objectives:

- Must reflect the student's time in a language-instruction program
- Must use consistent methods and measurement of growth that reflect at least (a) annual increases in the number or percentage of children making progress in learning English; (b) annual increases in the number or percentage of children attaining proficiency at the end of the school year, as determined by a valid and reliable assessment; and (c) adequate yearly progress for English Language Learners
- May also, at the discretion of the state department of education, include the number or percentage of children not receiving waivers for reading or language arts assessments (see, Title III, Part A, Subpart 1, Sec. 3122).

While AYP must be based primarily on student achievement, states must identify two additional indicators. At the high school level, graduation rates are required; at the elementary level, at least one academic indicator of the state's choosing is to be incorporated into state AYP definitions. Although states may include additional academic indicators (as long as they can be disaggregated by the required subgroups and are considered valid and reliable), they may not use them to reduce the number of schools or districts identified as not meeting AYP, nor may they eliminate schools identified for intervention.

States will have three main tasks in defining AYP:

1. *Establishing a starting point* or threshold. This will be established using student performance data from the 2001-02 school year and is to be based on either (a) the lowest-achieving group of students in the state (based on the above subgroups) or (b) the school at the state's 20th percentile in terms of the proportion of students at proficient levels. The state is to choose the threshold measure based on whichever (a or b) has the higher proportion of proficient students.
2. *Developing a timeline* to ensure progress. The law requires a schedule for all students in the state to be performing at or above proficient levels in reading and mathematics by the end of the 2013-14 school year.
3. *Continually increasing performance objectives over time,* or setting the annual minimum percentages of students and subgroups of students who are to meet or exceed proficiency in mathematics and reading/ language arts. Objectives are to be set separately for the two content areas. The percentage of proficient students is projected to increase in equal increments per year between the initial threshold and 100% students at proficient or advanced levels in 12 years. The state also is required to set intermediate benchmarks that allow for examining multiple years of data. Further, once the threshold is established, the state is required to gradually raise it over time, initially after two years and again at least every three years thereafter.

States have the option of applying a two- or three-year averaging formula to determine AYP in mathematics and reading/language arts. This average may be back-dated by two years using the math and reading/language arts tests required by the 1994 ESEA reauthorization. States also have the option of determining whether cross-grade data will be used to determine if AYP has been met in their schools and districts.

In addition to consequences for schools and districts, which are spelled out explicitly in the law, there are also consequences for states failing to make adequate yearly progress after two years. For example, the U.S. secretary of education will provide technical assistance and constructive feedback to help the state make AYP or to meet the annual achievement objectives. The secretary also will report to Congress about states that have not made AYP or met their annual objectives.

Example of how the AYP process will work

For instance, say that the state has identified its economically disadvantaged students as the lowest-performing group of students, with 16% scoring at the proficient or advanced levels. Sixteen percent now becomes the starting point (or threshold) for measuring progress in terms of AYP. Because the task over the next 12 years is to get 100% of all students to proficient or advanced levels, the difference between 100% and 16% is the distance that the state needs to go. So 84% of economically disadvantaged students as well as all other students need to be brought at least to proficiency. Since the state has 12 years to accomplish this goal, it must move 7% of the students per year across all subgroups to proficiency (84% divided by 12 years).

Allocation of Funds

Under Title 1, Part A, states may retain either 1% of their grants or $400,000, whichever amount is greater, for administrative purposes (Title I, Sec. 1004). For state appropriations under this section, see Appendix G.

Related Links

ECS Issue Site on Accountability
www.ecs.org/html/issue.asp?issueid=2

Assessment and Accountability Systems in the 50 States: 1999-2000, Consortium for Policy Research in Education
www.cpre.org/Publications/rr46.pdf

High Standards for All Students: A Report from the National Assessment of Title I on Progress and Challenges Since the 1994 Reauthorization
www.ed.gov/offices/OUS/PES/ed_for_disadvantaged.html

First Annual School Improvement Report
(Executive Order on Actions for Turning Around Low-Performing Schools)
www.ed.gov/offices/OUS/PES/lpschools.doc

Status of the States

States with "unitary" accountability systems

ESEA 2001 carries over the 1994 requirement for states to develop the same, or a "unitary," accountability system for all schools. As of the 1999-2000 school year, at least 22 states had the same accountability system for Title I schools as for other schools. The remainder of the states were to adopt or had begun implementing such a system by the 2000-01 school year. (See Appendix A for a list of these states.)

(*Source:* Margaret E. Goertz, Mark C. Duffy, with Kerstin Carlson Le Floch, *Assessment and Accountability Systems in the 50 States: 1999-2000.* CPRE Research Report Series RR-046, Consortium for Policy Research in Education [CPRE], University of Pennsylvania, Graduate School of Education, March 2001, www.gse.upenn.edu/cpre/Publications/rr46.pdf)

State approaches to defining school progress

States must define adequate yearly progress so that all students, and subgroups, make progress toward and ultimately achieve "proficiency." States have traditionally used three ways, or a combination, of defining school progress:

- *Meeting an absolute target.* In this system, performance thresholds are set for all schools and districts. These thresholds must be met for schools or districts to demonstrate satisfactory progress.
- *Making relative growth.* Annual growth targets for schools and districts are based on past performance and frequently reflect their distance from state goals.
- *Narrowing the achievement gap.* The goal is to reduce the number or percentage of students scoring at the lowest performance levels.

The thrust of ESEA is to work toward a system that takes into account all three. A total of 33 states with performance-based accountability systems use at least one of the three approaches to measure school progress. Out of these 33 states:

- Fourteen use only absolute targets as their definition of progress.
- Five states use only relative growth expectations.
- Eight states employ both an absolute target and relative growth in their definition of progress.
- Six states use narrowing the achievement gap as at least one criterion of adequate yearly progress. This tends to take the form of using disaggregated data and assessing progress in student subgroups, as is the case in Texas.

(*Source:* Margaret E. Goertz, Mark C. Duffy, with Kerstin Carlson Le Floch, *Assessment and Accountability Systems in the 50 States: 1999-2000.* CPRE Research Report Series RR-046, Consortium for Policy Research in Education [CPRE], University of Pennsylvania, Graduate School of Education, March 2001, www.gse.upenn.edu/cpre/Publications/rr46.pdf)

Florida, for example, uses three primary criteria for grading schools: (a) achievement, (b) gains in achievement and (c) progress in reading among the lowest 25% of students at each grade. The new plan focuses on individual achievement, especially among the lowest-performing students in a school, and on reading proficiency, in particular. For a school to earn an "A," it must meet the minimum requirement of at least 50% of its lowest performers making adequate progress. Also, the difference between reading achievement among the lowest quartile and the overall population of students tested must be within 10 percentage points of each other for a school to earn an "A."

(*Source:* "Crist, Cabinet Approve Grading Rule for School Accountability System," Press Release, Florida Department of Education, December 18, 2001)

Another example is Texas' performance-based accountability system, which rates both districts and schools on its Academic Excellence Indicator System. Schools are judged against an absolute standard on state test performance and dropout rates. For school performance to be considered "acceptable," at least 50% of its students and 50% in each subgroup (African American, Hispanic, white and economically disadvantaged) must pass the state test in reading, writing and mathematics. For schools and districts to be rated "exemplary," 90% of all students and subgroups must pass; for a school to be considered "recognized," at least 80% must pass. Growth also is considered as part of the performance index.

(*Source:* Texas Education Agency Web site, www.tea.state.tx.us)

In addition to the examples listed above, several states are "categorizing" schools based on performance and other indicators. According to a forthcoming *ECS StateNotes*, approximately 35 states publicly report the quality of their schools with clear descriptors (for example, "exemplary," "satisfactory," "needs improvement"). An earlier version of the report, *Performance-Based Accountability: Public Rankings, Profiles or Categorization of Schools/Districts*, is available at www.ecs.org/clearinghouse/13/86/1386.htm.

Examples of state approaches for describing school success and defining adequacy

A growing number of states have struggled to describe school success and define an "adequate education." Examples include:

- Illinois defined progress objectives for schools in terms of the proportion of students meeting standards on the Illinois Standards Achievement Test (ISAT). Successful schools are defined as having 83% of the student population meeting standards by 2004. The ISAT test currently is given in reading, writing and math to 3rd, 5th and 8th graders.
- Ohio uses six different criteria with 18 separate measures to establish school success, including testing results in 4th, 9th and 12th grades in reading, math, writing and citizenship. Additional measures include dropout and attendance rates.
- South Carolina has different expectations for "successful" elementary, middle and high schools, with short- and longer-term goals. By 2005-06, expectations are that 85% of elementary students and 75% of middle school students will score "basic" or above, and by 2010-11, 75% of elementary students and 65% of middle schools students will score "proficient" or above. Successful high schools are those in which all students make progress toward a variety of learning outcomes.

(*Sources: ECS StateNotes: A Survey of Finance Adequacy Studies*, www.ecs.org/clearinghouse/29/23/2923.htm, September 2001, and state sources)

Current indicators used to assess progress and/or make reports

Achievement as an indicator – States must collect student performance data as part of their AYP requirements.

- All states, except Montana, publicly report on achievement.
- At least 32 states track achievement data and use it as a primary indicator in determining school quality (primary indicators trigger rewards or sanctions).
- Twenty-eight states report on improvement in school or student performance. Of these, 21 use improvement in achievement as a primary measure.
- Twelve states use only achievement and improvement in achievement as primary indicators (Alabama, Colorado, Delaware, Florida, Georgia, Massachusetts, Michigan, Mississippi, Nevada, New Mexico, North Carolina, Virginia).

Graduation rates as indicators – A state's definition of adequate yearly progress must include annual objectives for continuous improvement, including graduation rates for high school students.

- Thirty-two states report graduation rates. Of these, eight use graduation rates as a primary indicator of school quality (California, Illinois, Indiana, Kansas, Ohio, Oklahoma, Pennsylvania, South Carolina).

Note that many states publicly report graduation from year to year, but do not use them as part of a formula that triggers some type of intervention.

(*Source: ECS StateNotes: State Performance Indicators*, www.ecs.org/clearinghouse/32/12/3212.htm)

States' ability to disaggregate student data for AYP

ESEA 2001's AYP requirements state that goals must be set, achievement data collected and disaggregated, and progress tracked to demonstrate growth in achievement. A number of states report enrollment data on subgroups of students, but few collect or report achievement by subgroup, especially at the school level. States now will be required to calculate AYP by four student subgroups: ethnicity, economically disadvantaged, English Language Learners and disability.

The only states that currently collect and publicly report local achievement data in the way necessary for calculating AYP at the school level are as follows (see the State Report Cards section for more detail):

- By all four subgroups (California, Florida, Utah, Wisconsin)
- By three subgroups (North Carolina, Rhode Island, South Carolina, Texas)
- By two subgroups (Georgia, Maryland, New York)
- By one subgroup (Mississippi, North Dakota and Oregon).

One of the more problematic requirements of ESEA 2001 is the collection and reporting of student socioeconomic status. Typically, schools have collected these data on a schoolwide level, but have not directly tied low-income designations to student records. In some states, the new requirement will force policymakers to grapple with issues of security and confidentiality of student records.

States with comprehensive data systems

A number of states (for example, Florida, Georgia, Massachusetts, North Carolina, Ohio, Oregon, South Carolina, Tennessee and Texas) already have developed comprehensive systems that include data on assessment, dropout rates, expenditures, student demographics and, in some cases, the kind of teacher-qualification data that will be required under ESEA 2001 (see Appendix B for more detail).

Some states have contracted with outside companies and organizations to strengthen their capacity to collect, analyze, and report school and student performance data. Tennessee, for example, worked with the University of Tennessee to develop its value-added assessment system. This approach uses student-level longitudinal data to track the extent to which schools and districts have contributed to student achievement. (*See The Measure of Education: A Review of the Tennessee Value-Added Assessment System*, www.comptroller.state.tn.us/orea/reports/tvaas.pdf.)

More recently, several states have begun working with a Texas organization, Just for the Kids (JFTK), which analyzes state test data to identify how well individual schools are performing. Sophisticated data-analysis systems such as the JFTK model can compare, for example, every elementary school's results on the state assessment with the average of the 10 highest-achieving state schools with similar demographics. Such analyses cannot be done without a state-level data structure capable of linking student enrollment data and student test data over time.

States that are using or planning to use the JFTK model include Arkansas, Florida, Minnesota, Tennessee, Texas and Washington; Colorado is piloting the model with a group of school districts. (Just for the Kids Web site: www.just4kids.org/)

For more resources on adequate yearly progress, see Appendix C.

Policy Questions for State Leaders To Consider

- How has your state defined (or will it define) the "proficient" level of performance for students? What criteria are or should be used? Are these criteria consistent with the expectation of bringing all students to proficiency within the 12-year AYP timeframe? Has your state evaluated the rigor of what constitutes "proficient"?
- What additional indicators – for example, attendance, achievement, graduation rate – is your state using to evaluate the quality of your schools? How confident are you that these are the best measures?
- Does your state have a definition for adequate yearly progress? If so, what approach do you use (e.g., absolute target, relative growth, narrowing of achievement gap)? Is this the best approach for your state, and does it meet the new federal requirements?
- What is your state's plan for complying with AYP for all schools? What policies and practices will need to be put in place (e.g., new teaching methods and curricula, leadership changes, programs based on scientific research)?
- What plans does your state have to use funds from other parts of ESEA (e.g., Reading First, teacher professional development grants) to help meet AYP targets?
- How will the requirements for subgroup disaggregation affect your state's data system in terms of development and maintenance, staffing, funding and training?

Annual Student Testing and English Language Proficiency Assessments

Annual Student Testing
Title 1, Part A, Sec. 1111, Subsection b (3,4,5)

English Language Proficiency Assessments
Title 1, Part A, Sec. 1111, Subsection b (7)

Mandated
Yes

Timeline
Annual English language proficiency assessments – FY2002-03

Annual student testing in reading and math – FY2005-06

Annual student testing in science – FY2007-08

Funding Level
FY02 – $387 million for assessment development

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirement.

If a state fails to meet deadlines established or waivers granted under the 1994 ESEA reauthorization, the secretary will withhold 25% of state administration funds. Effective 90 days after the enactment of ESEA 2001, the secretary will grant no additional waivers or deadline extensions for meeting requirements of the 1994 law.

Requirements or Provisions

Math, reading and science assessments
Beginning in 2005-06, states are required to test all students annually in grades 3-8 in mathematics and reading or language arts, with reasonable adaptations and accommodations for students with disabilities and English Language Learners. (Note that compliance with the 1994 ESEA reauthorization requires that states also test students at least once annually in mathematics and reading or language arts at grade levels 10-12).

Science assessments must be developed and put into place by the 2007-08 school year and administered at least once during each of these grade spans: 3-5, 6-9 and 10-12.

Students who have attended school for at least three years in the United States (excluding Puerto Rico) are required to take reading assessments in English, although school districts have discretion to make case-by-case decisions about assessing in other languages for up to two additional consecutive years.

Results of math and reading assessments will be the primary indicators of whether schools and districts have made adequate yearly progress (AYP). The law requires a common definition for measuring AYP both for Title I schools and schools statewide, and specifies interventions to be used in the case of continued low performance.

States will be required to demonstrate that they have "implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the state and/or each school district and school in the state." It is unclear whether district- or school-developed assessments, rather than state-developed tests, may serve as acceptable achievement measures, providing they have demonstrated adequate technical quality.

Several provisions are designed to address the needs of English Language Learners as well. State plans must identify the non-English languages spoken by students throughout the state, and identify the languages in which annual academic assessments are not available. States must make every effort to accommodate English Language Learners, including, to the extent practicable, assessments in the language most likely to accurately reflect student performance.

English language proficiency assessments
State plans must demonstrate that school districts, beginning in the 2002-03 school year, will provide an annual assessment of English proficiency (measuring students' oral language, reading and writing skills in English) of all students who are English Language Learners. Implementation may be delayed for one year if the state demonstrates exceptional or uncontrollable circumstances.

Criteria for assessment programs
Assessment programs – for both subject-matter proficiency and English proficiency – must meet the following criteria:

- Same assessments used for Title I and all other children
- Tests aligned with state content and academic achievement standards
- Assessments used only for the purposes for which they are valid and reliable, consistent with measurement standards
- Tests are of adequate technical quality (with states required to provide evidence of this to the secretary)
- Composed of multiple measures of achievement, including measures of higher-order thinking skills and understanding
- Information available for individual students and provided to educators as quickly as possible (no later than the beginning of the following school year)
- Data disaggregated within state, district and school by gender, race/ethnicity, English language status, migrant status, disability status and economically disadvantaged status
- Capable of breaking down into itemized score analyses for reporting to districts and schools.

The timeline for commencing annual reading, math and science assessments is dependent on Congress' appropriating money at certain levels (or "triggers") over the next several years. If Congress does not appropriate the specified amount in any given year – $370 million in FY02, escalating in $10 million increments in each of the succeeding years – states may defer the commencement or administration of assessments, but must continue to develop the assessments.

Allocation of Funds

A total of $387 million is appropriated for annual assessment development in FY02. Of this amount:

- $370 million is automatically allocated to states, with each state receiving $3 million and the remaining funds distributed on a per-pupil basis.
- $17 million is distributed to states in the form of grants based on need and on the quality of their applications.

See Appendix H (third column) for state-by-state appropriations for assessments.

Status of the States

As of spring 2002:

- Fifteen states plus the District of Columbia meet the ESEA assessment requirements for annual reading and math assessments in grades 3-8 (Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, West Virginia). It is unclear, however, how many of these states meet the requirement to align assessments with challenging state standards.
- Seventeen states plus the District of Columbia test annually for reading in grades 3-8 (Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, West Virginia).
- Fifteen states plus the District of Columbia test annually for math in grades 3-8 (Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, West Virginia).
- Twenty-four states test annually in science in one of grades 3-5, 6-9 and 10-12 (Alabama, Arkansas, Delaware, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Mexico, New York, Oregon, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin).
- Seven states meet the assessment requirements in reading, math and science (Alabama, Delaware, Georgia, Louisiana, New Mexico, Tennessee, West Virginia).

(*Sources: Assessment and Accountability Systems in the 50 States: 1999-2000*, Margaret E. Goertz and Mark C. Duffy with Kerstin Carlson Le Floch, Consortium for Policy Research in Education [CPRE], March 2001, www.gse.upenn.edu/cpre/Publications/rr46.pdf; *State Assessment and Accountability Systems: 50 State Profiles*, CPRE, Spring 2000; state departments of education Web sites; state statutes; telephone interviews)

Related Links

ECS Issue Site on Assessment
www.ecs.org/html/issue.asp?issueid=12

Achieve Inc.
www.achieve.org/

Making Standards Matter 2001, American Federation of Teachers
www.aft.org/edissues/standards/msm2001/

Policy Questions for State Leaders To Consider

- How has your state evaluated its assessments for alignment with state standards and for technical quality (reliability and validity)?
- What do your state assessments cost per student, both in terms of dollars and instructional time? Does your state have an adequate approach for tracking and identifying how much is spent on state assessments?
- What will be included in your state's multi-year plan to build and sustain the capacity to develop, field test and administer these new annual student assessments?
- Can your state use a combination of local- and state-level assessments (as has been the strategy in states such as Nebraska and Maine), assuming issues of technical quality and alignment with standards are addressed?
- What are your state's current testing policies regarding English Language Learners? What are the criteria for appropriate accommodations for these students?
- What kind of assessments for students who are English Language Learners will your state use to meet federal requirements? Is your state ready to implement such assessments within the required timeline?

State Assessment Programs in Grades and Subjects Required Under ESEA

STATE	Reading Grades 3-8 As of Spring 2002	Math Grades 3-8 As of Spring 2002	Science Grades 3-5, 6-9, 10-12 As of Spring 2002
Alabama	3-8	3-8	3-8 plus part of high school exit exam
Alaska	3-8	3-8	None
Arizona	3-8	3-8	None
Arkansas	4-8	4-8	5, 7, 10
California	3-8	3-8	9-11
Colorado	3-8	5-8	8
Connecticut	4, 6, 8	4, 6, 8	10
Delaware	3-8	3-8	4, 6, 8, 11
District of Columbia	3-8	3-8	None
Florida	3-8	3-8	Field testing expected 2002-03 in grades 5, 8, 10
Georgia	3-8	3-8	3-8 plus part of high school exit exam
Hawaii	3, 5, 8	3, 5, 8	None
Idaho	Currently just grade 3. Pilot standards-based test in at least three grades 2002-03.	Currently grades 4 and 8. Pilot standards-based test in at least three grades 2002-03.	None
Illinois	3, 5, 8	3, 5, 8	4, 7, 11
Indiana	3, 6, 8 English in language arts	3, 6, 8	Grade 5 implementation planned for 2002-03, followed by grades 7 and 9
Iowa	Not mandated, but districts may administer tests in grades 3-8	Not mandated, but districts may administer tests in grades 3-8	None
Kansas	3, 7	4, 7	5, 8, 10
Kentucky	3, 4, 6, 7	3, 5, 6, 8	4, 7, 11
Louisiana	3, 5, 6, 7 4, 8 in English/language arts	3-8	3-8, 11
Maine	4, 8 in English/language arts	4, 8	4, 8, 11
Maryland	3, 4, 5, 6, 8	3, 4, 5, 6, 8	3, 5, 8 and high school assessment, which 9th-grade students are required to take in 2001-02 (currently in pretests)
Massachusetts	3, 4, 7 in English/language arts	4, 6, 8	5, 8, 9, 10
Michigan	4, 7	4, 8	5, 8, 11
Minnesota	3, 5, 8	3, 5, 8	None
Mississippi	3-8	3-8	When end-of-course tests are fully implemented, one will cover biology.
Missouri	3, 7 communication arts	4, 8	3, 7, 10
Montana	4, 8	4, 8	4, 8, 11
Nebraska	None. Districts use local assessments and are required to use a norm-referenced test in one grade of 4-6, 7-9 and 10-12.	None. Districts use local assessments and are required to use a norm-referenced test in one grade of 4-6, 7-9 and 10-12.	None

State Assessment Programs in Grades and Subjects Required Under ESEA (cont.)

STATE	Reading Grades 3-8 As of Spring 2002	Math Grades 3-8 As of Spring 2002	Science Grades 3-5, 6-9, 10-12 As of Spring 2002
Nevada	4, 8 and English criterion-referenced test (CRT) in grades 3 and 5. A grade 8 CRT in reading, math and science is in development. In 2002-03, the 8th-grade Terra Nova reading, math, science and exam will be administered in 7th grade.	3, 4, 5, 8	4, 8, 10; a science CRT will be piloted over the next two years in grades 3 and 5.
New Hampshire	3, 6 in English/ language arts	3, 6	6, 10
New Jersey	4, 5, 8 in language arts literacy	4, 5, 8	4, 5, 8 and part of the high school test to be implemented in 2002-03
New Mexico	3-8	3-8	3-9, 10
New York	4, 8 in English/ language arts	4, 8	4, 8 and regents exams for high school
North Carolina	3-8	3-8	End-of-course tests
North Dakota	4, 8	4, 8	None
Ohio	4, 6	4, 6	4, 6, 9
Oklahoma	3, 5, 8	3, 5, 8	5, 8 and, in 2002-03, end-of-course tests
Oregon	3, 5, 8 in reading/literature	3, 5, 8	5, 8, 10
Pennsylvania	5, 8	5, 8	None
Rhode Island	4, 8	4, 8	None
South Carolina	3-8	3-8	3-8 plus part of the high school exit exam to be implemented in 2003-04 in grade 10
South Dakota	3, 4, 6, 8	3, 4, 6, 8	4, 8, 11 3, 6 beginning in 2003-04
Tennessee	3-8	3-8	3-8 and end-of-course exams
Texas	3-8	3-8	8 and end-of-course tests
Utah	3-8	3, 5, 8 Core Assessment Program tests are under development for grades 3-8	3, 5, 8, 11
Vermont	4, 8 in English/ language arts	4, 8	5, 11 (9th-grade science assessment on hold)
Virginia	4, 5, 6, 8 and 3rd-grade English	3, 4, 5, 6, 8	3, 5, 8 and high school tests
Washington	3, 4, 6, 7	3, 4, 6, 7	5th-grade assessment required 2004-05; 8th- and 10th-grade assessments required 2003-04
West Virginia	3-8	3-8	3-11
Wisconsin	3, 4, 8	4, 8	4, 8, 10
Wyoming	4, 8	4, 8	None

(*Sources: Assessment and Accountability Systems in the 50 States: 1999-2000*, Margaret E. Goertz and Mark C. Duffy with Kerstin Carlson Le Floch, Consortium for Policy Research in Education [CPRE], March 2001; *State Assessment and Accountability Systems: 50-State Profiles*, CPRE, Spring 2000, www.gse.upenn.edu/cpre/Publications/rr46.pdf; state departments of education Web sites; state statutes; telephone interviews)

PARTICIPATION IN BIENNIAL NAEP

Requirements or Provisions

States are required to participate in the National Assessment of Educational Progress (NAEP) every other year in grades 4 and 8 for reading and mathematics, beginning in the 2002-03 school year. Until now, state participation in NAEP has been voluntary.

Allocation of Funds

Funds will be retained at the federal level to administer NAEP.

Status of the States

Here is a look at states' participation in NAEP over the past several years:

2000 grade 4 math assessment:
- Forty states participated.
- Nine states did not participate (Alaska, Colorado, Delaware, Florida, New Hampshire, New Jersey, Pennsylvania, South Dakota, Washington).
- One state, Wisconsin, participated but did not meet the minimum participation guidelines to provide a representative sample.

2000 grade 8 math assessment:
- Thirty-nine states participated.
- Ten states did not participate (Alaska, Colorado, Delaware, Florida, Iowa, New Hampshire, New Jersey, Pennsylvania, South Dakota, Washington).
- One state, Wisconsin, participated but did not meet the minimum participation guidelines.

1998 grade 4 reading assessment (most recent year for which state-by-state data are available):
- Thirty-nine states participated.
- Ten states did not participate (Alaska, Idaho, Indiana, Nebraska, New Jersey, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont).
- One state, Illinois, participated but did not meet the minimum participation guidelines.

1998 grade 8 reading assessment:
- Thirty-six states participated.
- Thirteen states did not participate (Alaska, Idaho, Indiana, Iowa, Michigan, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Pennsylvania, South Dakota, Vermont).
- One state, Illinois, participated but did not meet the minimum participation guidelines.

Policy Questions for State Leaders To Consider

- How might your state use NAEP data to improve and adjust policies affecting student achievement (for example, curriculum, teaching quality or leadership)?
- What will be the funding and staffing implications of mandatory participation in NAEP? What system efficiencies could help reduce costs?
- NAEP participation will now be mandatory and the exam will be used to verify state assessment results. What will be the practical and political ramifications?

Participation in Biennial NAEP
Title 1, Part A, Sec. 1111

Mandated
Yes, contingent on federal support of NAEP administration costs

Timeline
Participation to begin in the 2002-03 school year

Funding Level
Increased from $36 million in FY01 to $107.5 million in FY02. These funds will be retained at the federal level to administer NAEP.

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirements.

State Report Cards
Title 1, Part A, Sec. 1111

Mandated
Yes

Timeline
Initial state and district report cards required by the beginning of the 2002-03 school year; one additional year allowed if state demonstrates an emergency or uncontrollable circumstances

Funding Level
No direct funding; however, $10.35 billion has been appropriated for Title I, Part A.

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirements.

Related Links
ECS Issue Site on Accountability-Reporting
www.ecs.org/html/issueasp?issueid=2&subIssueID=29

ECS StateNotes: State Performance Indicators
www.ecs.org/clearinghouse/32/12/3212.htm

Requirements or Provisions

Not later than the beginning of the 2002-03 school year, states and school districts that receive Title I funding must prepare and disseminate annual report cards.

Annual state report cards
At a minimum, state report cards are to include:

- Aggregated achievement information on state assessments in math and reading/language arts
- Disaggregated achievement information by subgroups (race/ethnicity, disability, socioeconomic level, gender, migrant status, English Language Learners, except in cases where numbers are too small to be statistically robust or where individual student results are identifiable)
- Percentage of students not tested, disaggregated with the same conditions as above
- Information that can be used to compare actual achievement levels with state objectives for each group
- Most recent two-year trend data in achievement by subject area and grade level in areas where assessments are required
- Aggregate information on state indicators used to determine adequate yearly progress
- Graduation rates for high school students and an elementary school indicator of the state's choice
- Information about performance of districts making adequate yearly progress, as well as the numbers and names of schools identified for school improvement under "Consequences for Low-Performing Schools"
- Teacher qualifications/credentials, including percentage of teachers with emergency credentials and percentage of classes not taught by "highly qualified" teachers, both in the aggregate and disaggregated by high-poverty compared to low-poverty schools.

The state department of education must ensure that each school district collects and disseminates the appropriate data in their annual report cards (see below).

States are required to submit annual reports to the U.S. secretary of education, who then reports to Congress. Among other things, these state reports must include:

- The number and names of schools identified for school improvement, the reason why each school was identified and the measures taken to address those schools' achievement problems
- The number of students and schools participating in public school choice and supplemental service programs and activities
- State-, district- and school-level information on the quality of teachers and the percentage of classes being taught by "highly qualified" teachers.

Annual school district report cards
School districts must collect and disseminate the following data in their annual report cards:

- Number and percentage of schools identified for school improvement, and how long they have been in that category
- Achievement data on statewide academic assessments, comparing the district and the state as a whole.

In the case of a school, the school district must report: (a) whether the school has been identified for school improvement, and (b) how the school's achievement on statewide academic assessments and other indicators of adequate yearly progress compare to students in the district and state as a whole.

At the beginning of each school year, school districts must make available to parents, upon request, the following information about their child's classroom teacher:

- Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas taught
- Whether the teacher is teaching under emergency or other provisional status
- The baccalaureate degree of the teacher and any other graduate certification or degree held by the teacher, and the subject area of the certification or degree
- Whether the child is provided service by paraprofessionals and, if so, the paraprofessional's qualifications.

Existing state and district reporting systems may be used or modified as long as they provide the required information.

Allocation of Funds

States may retain either 1% of their grants or $400,000, whichever amount is greater, for administrative purposes (Title I, Sec. 1004). For state appropriations under this section, see Appendix G.

Status of the States

State report cards

While nearly all states issue report cards already, many do not report at the state, district and school levels, as required by ESEA 2001.

The following information summarizes data included in state report cards and is based on information from *ECS StateNotes: State Performance Indicators*, www.ecs.org/clearinghouse/32/12/3212.htm.

Achievement/improvement of achievement as indicators

Nearly all states publicly report on student achievement. Twenty-eight states report on improvement of school or student performance. Twenty-one of these states use improvement in school or student performance as a primary measure of determining school quality.

Graduation rates as indicators

On their annual school report cards, states will be required under ESEA 2001 to report graduation rates for secondary education students.

Thirty-two states report graduation rates. Of these, eight use graduation rates as measures of school quality (California, Illinois, Indiana, Kansas, Ohio, Oklahoma, Pennsylvania, South Carolina).

Teachers working in area of certification as an indicator

States must include teacher quality information on their report cards, and districts must make similar data available to parents upon request.

Eight states publicly report the number or percentage of teachers working in their area of certification (California, Colorado, Kentucky, Nevada, Oregon, Tennessee, Texas and Virginia).

Disaggregated student achievement data

Under ESEA, state annual report cards must provide performance data disagreggated by major racial and ethnic groups, economically disadvantaged, English Language Learners, disability, gender and migrant status. Although many states disaggregate the demographics of their students, far fewer do so as it relates to achievement. Of the states that do, more disaggregate at the state level than at the district or school level.

The following states publicly report achievement data, at the local level, by certain subgroups of students:

Ethnicity	Gender	Economically Disadvantaged	English Language Learners	Disability	Migrant
CA	CA	CA	CA	CA	
FL	FL	FL	FL	FL	FL
GA	GA			GA	
MD	MD			MD	
				MS	
			NY	NY	
NC	NC		NC	NC	
				ND	
OR	OR				
RI	RI		RI	RI	
SC	SC	SC		SC	
TX	TX	TX		TX	
UT	UT	UT	UT	UT	
WI	WI	WI	WI	WI	

Policy Questions for State Leaders To Consider

- What information, indicators and measures are included in your state and local report cards? What data will your state need to collect and report to meet the new federal requirements?
- Does your state have an adequate data management system to collect, analyze and report information required for the state annual report cards? If not, what is your state's plan to develop and maintain such a system within the required timeline?
- How will your state provide reports to parents concerning teacher qualifications?
- What are the possibilities in terms of working collaboratively with other states to address these issues?

Requirements or Provisions

For states and school districts receiving Title I funds, ESEA outlines requirements for setting a timeline and establishing consequences for school and district performance relative to adequate yearly progress. School districts and state departments of education have parallel responsibilities in the intervention process for schools and districts, respectively.

Corrective actions

A series of consequences, including provision of public school choice and tutoring options, would apply to schools and districts that fail to meet requirements for "adequate yearly progress" (AYP):

1. Schools that fail to meet AYP for two consecutive years must be identified as needing improvement. Technical assistance is to be provided and public school choice must be offered to their pupils by the next school year (unless prohibited by state law).
2. Schools that fail to meet the state AYP standard for three consecutive years must offer pupils from low-income families the opportunity to receive instruction from a supplemental services provider of their choice (plus corrective actions specified in No. 1 above).
3. Schools that fail to meet AYP for four consecutive years must take one or more of a specified series of "corrective actions," including: replacing school staff, implementing a new curriculum, decreasing management authority at the school level, appointing an outside expert to advise the school, extending the school day or year, or changing the school's internal organizational structure (plus corrective actions specified in Nos. 1 and 2 above).
4. Schools that fail to meet AYP standards for five consecutive years must be "restructured." Such restructuring must consist of one or more of the following actions: reopening as a charter school, replacing all or most school staff, state takeover of school operations (if permitted under state law) or other "major restructuring" of school governance (plus corrective actions specified in Nos. 1-3 above).

Procedures analogous to those for schools are to apply to districts that fail to meet AYP requirements. In particular, in instances where districts fail to meet AYP for four consecutive years, state education departments will be required to take corrective action, which can include offering students the choice to transfer to a higher-performing public school in another district.

The U. S. Department of Education will establish a peer-review process to evaluate whether states have met their statewide AYP goals. States that fail to meet their goals are to be listed in an annual report to Congress, and technical assistance is to be provided to states that fail to meet their goals for two consecutive years.

Corrective actions can be delayed if schools or districts make AYP for one year or if their failure to make adequate progress is due to exceptional or uncontrollable circumstances. (See Appendix D for more information on corrective actions.)

Note that schools identified as needing improvement under the previous law are considered to be partially into the "corrective actions" process under the new law. Schools that were in "school improvement" status must offer public school choice by the 2002-03 school year and must be provided with technical assistance. Schools that were in "corrective action" status must receive technical assistance and offer public school choice, as well as supplemental education services by next year. In addition, these schools are subject to at least one of the following actions: (1) replace school staff, (2) implement a new curriculum, (3) decrease management authority at the school level, (4) appoint outside experts to provide advice, (5) extend the school day or year, or (6) restructure the internal organization of the school.

Consequences for Low-Performing Schools/ School Improvement
Title I, Part A, Sec. 1116

Mandated
Yes

Timeline
See Requirements or Provisions section at left

Funding Level
No direct funding; however, $10.35 billion has been appropriated for Title I, Part A.

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirements.

Related Link
ECS Issue Site on Accountability-Sanctions
www.ecs.org/html/issue.asp?issueid=2&subissueID=31

States' responsibilities to low-performing schools and districts
States have two levels of responsibility in this process — to schools and to districts. Responsibilities to schools include providing technical assistance to schools identified as low performing, subject to district agreement. State relations with districts are largely parallel to district/school relations and include:

- Monitoring districts to make sure they fulfill their responsibilities
- Reviewing districts' progress toward AYP and making the results public
- Identifying districts not making AYP for two consecutive years, providing them with opportunities to present alternative evidence of success and notifying parents
- Providing technical assistance to districts to develop and implement plans and to work directly with low-performing schools.

Within three months after being identified, school districts must develop a plan that incorporates scientifically based research, is targeted, allocates at least 10% of funding to targeted professional development and sets its own achievement goals for AYP. Districts must meet state objectives of all students proficient in 12 years, incorporate extended-day and extended-year strategies, and expand parental involvement.

States also may take corrective action with regard to school districts, either at any time or by the end of the second full school year after the district is identified as not making AYP. Corrective actions include at least one of the following: (a) deferring program funds, (b) reducing administrative funds, (c) instituting or implementing new curricula or professional development strategies based on scientifically based research, (d) replacing district personnel, (e) establishing new governance structures for some schools, (f) taking over district leadership, (g) abolishing or restructuring the district, and (h) authorizing interdistrict transfers for students exercising choice options.

Supplemental education services
States are responsible for oversight of providers of supplemental education services, including:

- Providing annual notices to parents about availability of services
- Promoting provider participation to maximize choices
- Developing objective criteria for evaluating providers, making public reports on how provider quality is monitored and withdrawing support from providers that fail to make progress over two years
- Maintaining lists of approved providers by school district and descriptions of their services.

School districts are to work with providers to develop specific student achievement goals and a timeline for improving achievement and communication structures.

Allocation of Funds

Formula – In FY02, states must set aside 2% of the total funding for Title I, Part A ($207 million total) to fund the requirements under this section, as well as a statewide system of technical assistance and support for school districts. Of these funds, 95% ($196.6 million) must go directly to districts for schools identified for school improvement, corrective action and restructuring.

Block grant/competitive grant – States are to provide school districts with grants of between $50,000 and $500,000 for each school identified for improvement, corrective actions and restructuring plans. States are to give funding priority to school districts with the lowest-achieving schools that demonstrate (a) the greatest need for funding and (b) the strongest commitment to ensuring resources are targeted to help those schools improve. Districts are required to use 20% of their total allocation for student transportation and supplemental education services. States may retain either 1% of their grants or $400,000, whichever amount is greater. (Title I, Sec. 1004)

Status of the States

Sanctions for low performance

As of the 2001 state legislative session:

- Twenty-five states sanctioned school districts and schools based on student performance.
- Five states sanctioned school districts only (Iowa, Mississippi, New Jersey, Ohio, Pennsylvania).
- Seven states sanctioned schools only (Alaska, Georgia, Louisiana, Nevada, Oregon, Vermont, Virginia).

Sanctions for low-performing districts range from less severe measures, such as written warnings, to more severe measures, such as takeovers. In terms of sanctions for low-performing districts:

- Eighteen states require low-performing districts to create and implement improvement plans.
- Thirteen states require another entity, such as the state, to create an improvement plan for a low-performing district.
- Nine states are authorized to place low-performing school districts on probation.
- Twelve states are authorized to strip accreditation from low-performing districts.
- Five states may withhold funding.
- Ten states are authorized to reorganize a low-performing district.
- Twenty-four states can take over or allow another entity to take over a district based on low performance.

Sanctions for low-performing schools include requirements for creating and implementing improvement plans (27 states), and requiring another entity, such as the state or a school district, to create an improvement plan for a low-performing school (18 states). Eleven states are also placing low-performing schools on probation, removing their accreditation (13 states) or withholding funding (four states). Nineteen states are authorized to reconstitute low-performing schools, 10 may close low-performing schools, and 15 can take over low-performing schools.

For a list of states and further details, see *ECS StateNotes: Rewards and Sanctions for School Districts and Schools*, March 2001, www.ecs.org/clearinghouse/18/24/1824.htm.

Two state examples warrant attention because of the type of sanctions they have put in place. Beginning in 2003, any Colorado school that receives an academic performance rating of "unsatisfactory" on the school accountability report must submit an improvement plan within 90 days. If the school is still designated "unsatisfactory" after two years, the state board will recommend the school be converted to an independent charter school. If the school, however, makes a specific amount of improvement, it will be allowed to continue to operate under the school improvement plan for another year. After the third year of operation under a school improvement plan, if a school is still deemed unsatisfactory, the state board will recommend it be converted to an independent charter school. Proposals are to be sought and a contractor will be selected to manage the school.

(*Source*: ECS state policy database)

In 1999, Florida passed the first statewide voucher program in the nation. Under the enacted law, each public school receives a grade from A to F. Top-performing and improving schools receive additional state funding. If a school receives an F in two out of four years, students may receive a scholarship worth at least $4,000 to attend a higher-scoring public school, a private school or a parochial school. Private and parochial schools that accept these students are prohibited from collecting additional tuition and are barred from requiring them to participate in religious instruction, prayer or worship.

(*Source: ECS Policy Brief: Vouchers, Tax Credits and Tax Deductions*, September 2001, www.ecs.org/clearinghouse/14/44/1444.doc)

Technical assistance to low-performing schools

ESEA 2001 requires intervention programs or strategies to be based on scientific research. Several states already have similar requirements in place:

- Arizona's Instrument to Measure Standards (AIMS) intervention and dropout prevention program requires the state department of education to develop application procedures, selection criteria and minimum performance standards for service providers wanting to participate in the program. In addition, service providers must report on the following: percentage of participating students who graduate or receive GEDs; percentage who participate in postsecondary education, employment, job training or military service within 12 months; percentage enrolled full time in any of the above; and percentage of students who participate and pass each AIMS component.
- In Maryland, Schools for Success Challenge Grant Funds are available to low-performing schools to help them implement research-based strategies that lead to sustained improvement in schools and student achievement.
- In Nevada, funds for remedial programs must be used to provide remediation or tutoring approved by the Nevada Department of Education as being effective in improving student achievement.
- North Carolina offers a Web-based resource of intervention strategies to assist schools in identifying best programs and practices in acceleration, remediation and intervention. The state board is required by law to identify low-performing schools and assign assistance teams to them, giving priority to those experiencing declines in student performance.

www.ncpublicschools.org/school_improvement/asstlegal.html
www.ncpublicschools.org/student_promotion/intervention.html
www.ncpublicschools.org/student_promotion/practices.pdf

Policy Questions for State Leaders To Consider

- How many, and which, schools in your state are categorized as needing improvement or corrective action under the 1994 ESEA reauthorization? At what stage of corrective action are these schools classified under the new law? What are the implications for your state and districts?
- What plans does your state have to provide school choice to students in schools that fail to make AYP? How will your state determine if space is available for students who choose to move out of low-performing schools? How will your state coordinate and pay for transportation services? What incentives might you provide to schools to accept such students?
- What plans does your state have to provide supplementary education services to students in schools that fail to make AYP? How will your state work with school districts and parents to provide and manage such options?
- What is the state's capacity to monitor the quality of providers of supplemental education services, particularly given the federal requirements for scientifically based research evidence?
- What is your state's capacity to provide and sustain technical assistance to low-performing schools?
- Does your state have policies that allow for the full range of corrective actions included in ESEA 2001?

Requirements or Provisions

States are to develop support systems for schools using resources from regional centers and laboratories, as well as other technical assistance providers. Priority goes to districts with schools subject to corrective action and school improvement policies. The support system is to include:

- Establishing and providing assistance to school support teams
- Designating and using distinguished teachers and principals
- Using other approaches (for example, through higher education institutions, local consortia of education service agencies and private technical assistance providers).

States also are to develop strategies related to high-performing schools or those showing improvement, such as:

- Academic achievement awards – recognition for schools that either significantly close the achievement gap between student subgroups or exceed AYP for two or more consecutive years
- "Distinguished Schools" designations – using schools that have made the greatest gains as models and sources of support for low-performing schools
- Financial awards to teachers in schools that have made the greatest gains. Award money is to be reserved from the state's share of Teacher and Principal Training and Recruiting Funds.

Allocation of Funds

Formula – In FY02, states must set aside 2% of the total funding for Title I, Part A ($207 million total) to fund the requirements under this section, as well as a statewide system of technical assistance and support for school districts. Of these funds, 95% ($196.6 million) must go directly to districts for schools identified for school improvement, corrective action and restructuring.

Grants – The secretary will make grants to states based on FY01 appropriations and adjustments for the new law. States may retain either 1% of their grants or $400,000, whichever amount is greater. (Title I, Sec. 1004)

Status of the States

Current policies involving state assistance to low-performing schools are as follows:

- Twelve states provide support to school districts and schools.
- Three states provide support to school districts only.
- Thirteen states provide support to schools only.

State support typically comes in the form of technical assistance and/or additional funding. For school districts:

- Five states provide both technical assistance and additional funding.
- Ten states provide technical assistance only.

For schools:

- Six states provide both technical assistance and additional funding.
- Eighteen states provide technical assistance only.
- One state provides additional funding only.

States that reward districts and schools on the basis of performance:

- Nine states reward districts on the basis of performance, and 20 states reward schools on this basis.

For a list of states and further details, see *ECS StateNotes: Rewards and Sanctions for School Districts and Schools*, March 2001, www.ecs.org/clearinghouse/18/24/1824.htm.

School Support and Recognition
Title I, Part A, Sec. 1117

Mandated
Yes, if states receive funds under Title I, Part A

Timeline
No specific timeline indicated

Funding Level
No direct funding; however, $10.35 billion has been appropriated for Title I, Part A.

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until the state has fulfilled the requirements.

Policy Questions for State Leaders To Consider

- What type of technical assistance has your state provided to low-performing schools? Which approaches have been most successful? Which ones have been less successful?
- What is your state's capacity to provide and sustain technical assistance to low-performing schools, especially if the number of schools and the expectations for improvement increase?
- What are the "success stories" in your state in terms of low-performing schools becoming high-performing schools?
- What are some ways you can share these successes with educators in low-performing schools?
- What are the optimal reward structures for high-performing schools in your state? How can such rewards be used to maximize motivation and learning in low-performing schools?

Reading/Literacy

ESEA 2001 includes two initiatives aimed at having all students achieve reading proficiency by the end of 3rd grade.

Reading First, which replaces the Reading Excellence Act, will provide funds to help states and districts implement comprehensive reading instruction grounded in scientifically based research for children in grades K-3.

Early Reading First, a competitive-grant program, will provide funds to school districts and public and private organizations, such as Head Start and family literacy programs, that serve children ages 3-5. Funds may be used for early literacy programs, professional development and research-based "pre-reading" language activities.

Reading First Initiative
Title I, Part B, Subpart 1,
Sec. 1201-1208

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $900 million

Compliance
States participating in Reading First must submit annual progress reports. After the third-year progress report, the secretary of education can withhold funds or take other necessary actions if the state education department is not making significant progress in meeting the purposes of Reading First.

Related Link
ECS Issue Site on Reading/Literacy
www.ecs.org/html/issue.asp?issueid=97

Requirements or Provisions

The Reading First Initiative is a new program (replacing the Reading Excellence Act) to help states and districts identify and adopt "scientifically based" reading programs for children in kindergarten through 3rd grade. Another goal of the program is to ensure that teachers can identify children at risk of reading failure and provide the most effective early instruction.

The Reading First requirements include the following:

- States, to the extent practicable, must contract with an entity that conducts scientifically based reading research. This entity will assist the state with annual reporting requirements.
- States receiving funds must make an annual report providing evidence that it is carrying out the Reading First program effectively. Among other things, the reports must: (1) identify schools and districts that report the largest gains in reading achievement, (2) describe the progress being made to reduce the number of students reading below grade level and (3) provide evidence that the program has significantly increased the number and percentage of students, in all designated groups, who are reading at or above grade level.
- The governor must establish a reading or literacy partnership that includes representatives from the state, school districts, community-based organizations, programs with a strong reading component, as well as a parent, a teacher and a family literacy provider. Existing state partnerships may qualify.

At the national level:

- Funds are available to support an external evaluation of the Reading First program, provide technical assistance to states and districts and disseminate information about Reading First projects shown to be effective in improving reading instruction.
- The U.S. Department of Education must conduct a rigorous, five-year evaluation of state and local activities funded by Reading First.

According to the law (Sec. 1208), "scientifically based reading research" means research that:

- Applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to reading development, reading instruction and reading difficulties
- Employs systematic, empirical methods that draw on observation or experiment
- Involves rigorous data analysis adequate to test the stated hypotheses and justify the general conclusions drawn
- Relies on measurements or observational methods that provide valid data across evaluators and observers, and across multiple measurements and observations
- Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective and scientific review.

Policymakers may also want to take into account a report by the National Reading Panel, which identifies criteria that reading research should meet:

- Addresses achievement of one or more skills in reading
- Has results that can be generalized to the larger population of students, which therefore excludes case studies with small numbers of children
- Examines the effectiveness of an approach, which requires the comparison of students using a specific reading approach or program with students not using that strategy
- Is regarded as "high quality," which requires a peer review by other scholars in the field.

(*Source: Put Reading First: The Research Building Blocks for Teaching Children To Read*, Center for the Improvement of Early Reading Achievement, September 2001, www.nifl.gov/nifl/partnershipforreading/publications/PFRbooklet.pdf)

Allocation of Funds

For the first two years, 100% of funds will be allocated to states as formula grants in proportion to the number of children, ages 5-17, from families with incomes below the poverty line.

Beginning in FY04, up to 10% of funds, but no more than $90 million, will be available as incentive or target grants to states that increase the number of students reading at a "proficient" level, as defined by each state.

States must distribute at least 80% of their funds to districts, giving priority to high-poverty areas with a high percentage of students in grades K-3 reading below grade level. States can use the remaining funds for the following activities:

- Teacher preparation, professional development, and licensure and certification (65% of the funds)
- Technical assistance to help districts implement Reading First (25%)
- Administration, planning and reporting (10%).

Status of the States

The following states encourage or require schools and/or disticts to use "research-based" reading programs: Alabama, Arizona, Arkansas, Colorado, Iowa, Kentucky, Louisiana, New Hampshire, New Jersey, Ohio, Pennsylvania, Texas and Wyoming.

States that use research-based reading strategies as part of their teacher preparation and/or professional development initiatives include: Arizona, California, Idaho, Iowa, Mississippi and South Dakota.

A few states – including Idaho, Okahoma and Texas – have adopted comprehensive reading policies that address issues such as curriculum, assessment, teacher preparation and development, intervention, reporting and accountability.

(*Sources: ECS StateNotes: Summary of State Policies To Improve Student Reading*, June 2001, www.ecs.org/clearinghouse/12/35/1235.htm; Lexis-Nexis/StateNet)

Policy Questions for State Leaders To Consider

- How will your state help districts and schools determine if reading programs meet the criteria spelled out in ESEA 2001?
- How will your state enforce the adoption and use of programs based on scientific reading research?
- What evaluation and reporting requirements will your state put in place to make sure the programs are improving reading achievement?
- How will your state provide comprehensive, objective information about reading programs to districts, schools and teachers?
- How can your state use the Reading First Initiative to develop or strengthen a comprehensive reading policy for all students?
- How will your state determine the cost of using and evaluating reading programs based on scientific research? How will your state pay for these programs?

EARLY READING FIRST

Early Reading First
Title I, Part B, Subpart 2, Sec. 1221

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $75 million

Compliance
Unspecified

Related Links
ECS Issue Site on Reading/Literacy
www.ecs.org/html/issue.asp?issueid=97

National Association for the Education of Young Children
www.naeyc.org/childrens_champions/federal.htm

Requirements or Provisions

Early Reading First will provide grants to districts and/or public or private organizations to "support local efforts to enhance the early language, literacy and pre-reading development of preschool-age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based reading research." Money may be spent on activities that provide preschool-age children with high-quality oral language and literature-rich environments, professional development based on scientific research knowledge, activities and instructional materials based on scientific research and scientifically based reading screenings and assessments.

Allocation of Funds

Competitive grants will be awarded to school districts and/or public or private organizations that serve preschool-age children. The secretary of education may set a maximum amount, or establish a range, for grants.

Status of the States

Here are some examples of programs that support early literacy:

- *A Parent's Guide to the Idaho Reading Indicator* – a pamphlet designed to encourage parents to read to their children. It includes exercises parents can use to help children practice reading. www.sde.state.id.us/IRI/parent.htm
- *Nebraska Read for Joy* – a series of workshops offering strategies that parents, teachers and others can use to help children become successful readers. www.esu3.org/ectc/train/rfj.html
- *Utah Family Reading Program* – a professional development program sponsored by the Utah Department of Education that trains early childhood and kindergarten teachers to work with young children and their families on early literacy development. (Web site under construction)
- *Vermont BUILDING BLOCKS for Literacy* – a grant-funded program to help early care and education professionals learn more about the language skills children ages 3-5 need to learn to read. www.sterncenter.org/professional.htm

Policy Questions for State Leaders To Consider

- What efforts are being made in your state to provide coordination between Head Start and other preschool programs, especially with respect to offering scientifically research-based programs?
- What plan will your state put in place to ensure that preschool programs meet the criteria for this program?
- Which communities would benefit most from concentrated early literacy efforts?
- How can your state support school districts and communities in applying for these grants?
- What professional development opportunities exist for early care and education providers that promote an understanding of language and literacy development?
- How is your state measuring the quality of early care and education environments, particularly in terms of language and literacy development?

Teaching Quality

ESEA 2001 acknowledges the important role that teacher quality plays in promoting student achievement. It requires that all teachers be "highly qualified" in the subjects they teach by the end of the 2005-06 school year. It also requires states to publish an annual report disclosing the professional qualifications of teachers, the percent working with emergency or provisional credentials, and the percent of classes in the state not taught by "highly qualified" teachers.

The new law consolidates the class-size-reduction and Eisenhower professional-development programs into a single, flexible program for improving teacher and principal quality. The money can be used for various purposes, such as hiring teachers to limit class sizes, providing professional development and funding initiatives to retain highly qualified teachers.

ESEA 2001 also creates a competitive-grant program providing funds for professional development to improve the skills and knowledge of early childhood educators who work with children in low-income communities.

Here are the key implementation deadlines:

By the 2002-03 school year:

- Any new teachers hired with Title I funds must meet requirements of a "highly qualified" teacher.
- Any new paraprofessionals hired with Title I funds must meet new standards of quality.
- States and districts must begin reporting their progress toward ensuring all teachers are "highly qualified."

By the end of the 2005-06 school year:

- All teachers in core academic subjects must be "highly qualified."
- All paraprofessionals working in programs supported with Title I funds must meet the requirements to be "highly qualified."

Qualifications of Teachers
Title I, Part A, Subpart 1, Sec. 1119

Mandated
Yes

Timeline
New teachers hired after the start of 2002-03 in programs supported by Title I, Part A, must be "highly qualified." All teachers must be "highly qualified" by the end of the 2005-06 school year.

Funding Level
Unspecified

Compliance
Districts that fail to make progress toward meeting the measurable objectives after two consecutive years are required to develop an improvement plan, and the state department of education is required to provide technical assistance. After the third year of failing to make progress, the state department and district must agree on how the district's funds are used, and the district must implement activities planned in conjunction with the state department. Also, the district cannot use federal funds for paraprofessionals hired from that point on, unless it is to fill a vacancy created by another paraprofessional leaving or if there are certain increases in enrollment or other special needs. (Title II, Subpart 4 – Accountability, Sec. 2141)

Related Link
ECS Issue Site on Teaching Quality
www.ecs.org/html/issue.asp?issueid=129&subIssueID=79

Requirements or Provisions

This section of the law is designed to discourage the hiring of teachers who lack expertise in their content areas. It calls for each state receiving funds under Title I, Part A, to develop a plan to ensure all teachers of core academic subjects within the state are "highly qualified" by the end of the 2005-06 school year.

The state plan must address (1) an annual increase in the percentage of highly qualified teachers to meet the goal of all being highly qualified by 2005-06, (2) an annual increase in the percentage of teachers receiving high-quality professional development and (3) any other measures the state deems appropriate.

School districts receiving funds under Title I, Part A, also must ensure that new teachers hired after the start of the 2002-03 school year and teaching in programs supported with funds from Title I, Part A, are "highly qualified."

The term "highly qualified teacher" means:

- Public elementary and secondary teachers must be fully licensed or certified by the state and must not have had any certification or licensure requirements waived on an emergency, temporary or provisional** basis.
- New public elementary school teachers must have at least a bachelor's degree and pass a state test demonstrating subject knowledge and teaching skills in reading, writing, mathematics and other areas of any basic elementary school curriculum.
- New middle or secondary school teachers must have at least a bachelor's degree and demonstrate competency in each of the academic subjects taught, or complete an academic major or coursework equivalent to a major, a graduate degree or advanced certification.
- Existing public elementary, middle and secondary teachers must have at least a bachelor's degree and meet the requirements described above, or demonstrate competency in all subjects taught. A state evaluation standard is to be used to judge competency. The evaluation standard must provide objective information about the teacher's knowledge in the subject taught and can consider, but not use as a primary criterion, time spent teaching the subject. (Title IX, Part A, Sec. 9101)

A teacher does not have to attain the highest level of certification to be considered "highly qualified." Initially licensed or certified teachers may also meet the requirements. Someone teaching a subject for which she or he has not demonstrated subject-matter competency, regardless of whether that teacher is fully certified, would not be considered "highly qualified," however.

Under most circumstances, teachers who participate in alternative-certification programs, and who meet the above requirements, would be considered "highly qualified."

** Note that, in some states, the term "provisional" is used to describe entry-level (though fully certified) teachers – not teachers who do not yet have licenses. It is important to distinguish among (1) "provisional" licenses that allow employees to begin teaching while they pursue the requirements for certification or licensure, (2) licenses that make accommodation for certified teachers entering from other states who need to meet several additional state requirements and (3) licenses designated "provisional" in the certificate title to denote entry-level teachers who have met all certification requirements.

Allocation of Funds

Although no funds are specifically appropriated, states can use the flexibility provided in Title I and funds allocated under Title II for reforming teacher certification and providing professional development to teachers (see Appendices G and H for state-by-state appropriations for these programs).

Status of the States

Three states – Iowa, Nevada and Ohio – and the District of Columbia indicated in their 2001 Title II reports that they have no teachers on waivers and all teachers fully certified. (For individual state reports and policies on teacher quality and preparation, see Title II State Reports 2001, www.title2.org/statereports/index.htm.)

The following summaries on state efforts are based primarily on information provided by the *Manual on the Preparation and Certification of Educational Personnel* (2001), produced by the National Association of State Directors of Teacher Education and Certification. See Appendix E for a complete list of states.

How state policies match ESEA 2001 requirements for elementary school teachers:

- All states require a bachelor's degree.
- Thirty states and the District of Columbia require teachers to have passed a test demonstrating basic skills in reading, writing and math prior to receiving a teaching certificate. Indiana tests reading and writing only.
- Seven states test reading, writing and math prior to admission to state teacher-preparation programs. This requirement affects in-state institution graduates, but not candidates coming from other states.
- Twenty-one states require teachers to have passed a "knowledge of teaching" exam. Alabama uses the institution's exit exam for this purpose.
- For all grade levels, 12 states require a subject-area major rather than a major in education.

How state policies match ESEA 2001 requirements for middle and secondary school teachers:

- All states require a bachelor's degree.
- Middle or high school level teachers in 31 states and the District of Columbia also must pass a subject-area test.
- Seven states and the District of Columbia require a major for middle school or junior high level, and five require either a major or a minor. For high school or general secondary level certificates, 20 states and the District of Columbia require a major in the subject area taught. Semester-hour requirements for selected states are as follows:
  - Michigan – a major of no fewer than 30 semester hours for elementary and secondary teachers
  - Arizona – 24 semester hours for core areas
  - Connecticut – 30 semester hours
  - Illinois – 18 semester hours in the area of assignment
  - Iowa – 12 semester hours
  - Louisiana – 15-50 semester hours in a subject area
  - New Mexico – 24-36 hours, 12 of which must be upper-division classes
  - North Carolina – specifies competencies for each specialty area, and requires each institution to include them in its program.
- In Oklahoma, teachers of 7th- and 8th-grade math must be certified in secondary-level math.
- California teachers can verify subject-matter knowledge by a subject-matter exam or completion of an approved subject-matter program.
- Massachusetts requires 24 semester hours, or other experience, that addresses the competencies designated by the certificate.

Ensuring subject-matter competency

Several states have policies to ensure teachers can demonstrate subject-matter competency. Some examples include:

- A 1999 Arkansas law (S.B. 574) requires teachers to be licensed in the grade level or subject they teach, and requires substitutes to have a bachelor's degree.
- Florida legislators recently passed legislation requiring a "comparison of routes to a professional certificate." The state department must conduct a longitudinal study comparing performance of a sample of teachers hired after July 1, 2002, from the following groups: (1) teachers who graduated from state-approved teacher preparation institutions, (2) teachers who completed a state-approved teacher preparation program and education competency program, and (3) teachers who hold a certificate issued by a state other than Florida. Also, to address the problem of out-of-field teaching, Florida requires school boards to adopt and implement a plan to ensure the competency of teachers placed out of their fields.
- Massachusetts requires teachers in schools identified as low performing to take subject-matter exams. (No other state appears to meet this requirement.)
- In North Carolina, assistance teams assigned to a low-performing school, in certain cases, can submit to the state board of education the names of teachers identified as needing improvement. The state board must require such teachers to pass a general knowledge test designed by the board. Teachers who do not pass must take part in a remediation plan. If the teacher still cannot pass the test, the state board must begin dismissal proceedings.
- Oklahoma recently began requiring teachers of grades 6-8 mathematics who were certified after 1999 to become certified to teach intermediate- or secondary-level math.

(*Source:* ECS state policy database)

Policy Questions for State Leaders To Consider

- What percentage of teachers in your state are "highly qualified" as defined by the law?
- How many teachers in your state are teaching under emergency certificates or other waivers? Does your state have an accurate system to track these data?
- How will your state ensure that all new Title I teachers hired after the beginning of the 2002-03 school year meet the new requirements? Has your state analyzed what this means in terms of recruiting new teachers?
- How will your state ensure that all teachers meet the definition for "highly qualified" by 2005-06? For example, what number of semester hours should constitute a "major" or "minor"? Should it be different for elementary, middle or high school levels?
- Does your state's certification/licensing procedures guarantee strong subject-matter competence? If so, how?
- How will your state strike a balance between ensuring all teachers are "highly qualified" and the need to cope with teacher shortages?
- How will your state ensure that teachers entering the classroom through alternative routes to certification meet the new requirements?
- How will your state attempt to balance the percentage of highly qualified teachers in hard-to-staff and low-income schools and the percentage of such teachers in more affluent, easier-to-staff schools?
- In what ways would your teacher certification process and policies need to change (including testing and performance measures) to fulfill this requirement?

QUALIFICATIONS OF PARAPROFESSIONALS

Requirements or Provisions

Each state receiving funds under Title I, Part A, must develop a plan to ensure that all paraprofessionals working in a program supported by Title I funds meet *one of the following requirements*:

- Completed at least two years of postsecondary study
- Obtained an associate's (or higher) degree
- Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment, knowledge of and the ability to assist in instructing reading, writing and mathematics.

This requirement applies immediately to paraprofessionals hired after the enactment of ESEA 2001. Existing paraprofessionals must meet one of the above requirements no later than four years after the date of enactment. In addition, all paraprofessionals, regardless of hiring date, must have earned a high school diploma or its equivalent.

Allocation of Funds

Although no funds are specifically appropriated, states can use the flexibility provided in Title I and funds allocated under Title II for reforming teacher certification and providing professional development to teachers.

Status of the States

No recent information available.

Policy Questions for State Leaders To Consider

- What policies will your state need to enact or modify to ensure all Title I paraprofessionals meet at least one of the above requirements?
- What policies does your state have, and what data does it collect, on paraprofessionals' qualifications?
- How many paraprofessionals in your state meet one of the requirements?
- Has your state defined expectations for paraprofessionals and, if so, how is their performance evaluated?
- How can your state work more closely with community colleges to prepare para-professionals?
- What financial incentives can your state offer to help paraprofessionals receive a two-year degree?
- How will the affordability and use of paraprofessionals be affected by the new requirements?

Qualifications of Paraprofessionals

Title I, Part A, Subpart 1, Sec. 1119

Mandated

Yes

Timeline

As of the date of enactment, new paraprofessionals must meet one of the specified requirements; existing paraprofessionals must do so no later than four years after the date of enactment.

Funding Level

Unspecified

Compliance

Unspecified

Related Links

"Paraprofessionals in the Education Workforce," *Educational Environments for Students with Disabilities* (U.S. Department of Education)
www.ed.gov/offices/OSERS/OSEP/Research/OSEP99AnlRpt/DOC_Files/CH3.doc

"Teacher Assistants," *Occupational Outlook Handbook* (U.S. Department of Labor)
www.bls.gov/oco/ocos153.htm

Roles for Education Paraprofessionals in Effective Schools (U.S. Department of Education, 1997)
www.ed.gov/pubs/Paraprofessionals/index.html

Review of Teacher Assistants Education, Programs and Standards (Research Triangle Institute, Center for Research in Education, 1998)
www.dpi.state.nc.us/esareports/2_ta.pdf

TEACHER QUALIFICATION DISCLOSURE

Teacher Qualification Disclosure
Title I, Part A, Subpart 1, Sec. 1111

Mandated
Yes

Timeline
Not later than the 2002-03 school year

Funding Level
No additional funding

Compliance
If a state fails to meet any of the requirements in this section, the secretary of education may withhold funds for state administration until it is determined that the state has fulfilled the requirements.

Requirements or Provisions

Unless the state has received an extension, any state that receives assistance under Title I, Part A, must prepare and disseminate not later than the 2002-03 school year an annual report card that includes:

- The professional qualifications of teachers
- The percentage of teachers with emergency or provisional credentials
- The percentage of classes in the state not taught by "highly qualified" teachers.

State departments of education also must submit a plan that includes steps it will take to ensure poor and minority children are not taught at higher rates than other children by inexperienced, uncertified or out-of-field teachers.

School districts receiving funds under Title I, Part A, must notify parents of children who attend Title I schools that they may request information about the professional qualifications of classroom teachers, including, at a minimum:

- Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas taught
- Whether the teacher is teaching under emergency or other provisional status
- The baccalaureate degree of the teacher and any other graduate certification or degree held by the teacher, and the subject area of the certification or degree
- Whether the child is provided service by paraprofessionals, and, if so, their qualifications.

Information requested by parents must be provided in a "timely manner."

In addition, schools that receive funds under Title I, Part A, also must provide timely notice to a parent whose child has been assigned to or taught, for four or more weeks, by a teacher who is not highly qualified.

Status of the States

Some states already require districts and/or schools to report on teacher qualifications:

- Fifteen states require public report cards to list teachers' years of experience (Arizona, Colorado, Connecticut, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Minnesota, Missouri, North Dakota, Pennsylvania, Utah, West Virginia, Wyoming)
- Eighteen states require reports to include data on teachers' level of preparation and/or whether they meet licensing criteria (Alabama, Arizona, Arkansas, Connecticut, Georgia, Indiana, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Utah, Virginia, West Virginia)
- Eight states require districts or schools to report on the number or percent of teachers working in their area of certification (California, Colorado, Kentucky, Nevada, Oregon, Tennessee, Texas, Washington)

(*Source: ECS StateNotes: State Performance Indicators,* January 2002, www.ecs.org/clearinghouse/32/12/3212.htm)

In addition, Arkansas requires parents to be notified when a noncertified teacher has been assigned to teach their child's class for more than 30 consecutive days.

(*Source:* ECS state policy database)

Policy Questions for State Leaders To Consider

- For states and districts, what type of data infrastructure, staff capacity and funding will it take to produce teacher qualification reports for parents?
- How will your state decide what portion of a teacher's time can be spent teaching out-of-field for it to count as such? For example, if a teacher teaches three of five classes in his/her area of expertise, but teaches two core curriculum classes in which he/she is NOT qualified, how will the data reflect this situation?
- Has your state set the minimum number of hours necessary to be certified in subject area, and if so, have they been set for all levels (elementary, middle and high school)?
- Are districts in your state required to report the number of paraprofessionals used and how they are used (for example, aides for students with disabilities vs. instructional aides)?

TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUNDS

Requirements or Provisions

This part of Title II combines federal funding from the previously authorized Eisenhower and Class Size Reduction programs. State education departments are responsible for the distribution of funds in conjunction with state higher education agencies. Funds are to be distributed in the form of competitive grants to eligible partnerships.

The state education department must use these funds to carry out one or more of several specified activities, including, but not limited to:

- Reforming teacher and principal licensure or certification
- Establishing, expanding or improving alternative routes to licensure or certification
- Recruiting highly qualified teachers and principals
- Assisting school districts in developing merit-based performance systems
- Providing professional development to teachers and principals
- Supporting the training of teachers to integrate technology into curricula and instruction
- Providing assistance to enable teachers to become highly qualified
- Reforming tenure systems
- Implementing teacher testing for subject-matter knowledge.

Teacher and Principal Training and Recruiting Funds
Title II, Part A, Subpart 1, Sec. 2101

Mandated
Participation is voluntary

Timeline
No specific timeline indicated

Funding Level
FY02 – $2.85 billion

Compliance
Unspecified

TRANSITION TO TEACHING

Requirements or Provisions

Grants will be available to state education departments and high-need school districts to develop teacher corps or other programs to recruit and retain highly qualified mid-career professionals and recent graduates as teachers in high-need schools, including recruiting teachers through alternative routes to certification.

Policy Questions for State Leaders To Consider

- How will states ensure that alternative certification policies allow teachers to meet the definition of "highly qualified" by the end of the 2005-06 school year?

Transition to Teaching
Title II, Part C, Subpart 1, Chapter B, Sec. 2311

Mandated
Participation is voluntary

Timeline
No specific timeline indicated

Funding Level
FY02 – $35 million

Compliance
Unspecified

EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT

Early Childhood Educator Professional Development
Title II, Part A, Subpart 5, Sec. 2151

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $15 million for partnership grants

Compliance
Unspecified

Related Links
ECS Issue Site on Early Childhood
www.ecs.org/html/issue.asp?issueid=37

National Association for the Education of Young Children
www.naeyc.org/childrens_champions/federal/2002/eceducator_q&a.pdf

Requirements or Provisions

This provision seeks to enhance the school readiness of young children, particularly disadvantaged children, by improving the knowledge and skills of early childhood educators who work in communities with high concentrations of poor children. Allowable activities include professional development that focuses on early language and literacy development, working with families and/or working with children with behavioral problems or who are victims of abuse. States also may use funds to provide support for early childhood educators during their first three years in the field and/or to provide professional development programs using distance learning and other technologies.

Allocation of Funds

Competitive Grant – Grants will be made to partnerships that include at least one higher education institution or another entity that provides professional development for early childhood educators who work with children from low-income families in high-need communities. The partnerships also must include one or more public agencies, Head Start agencies or private organizations.

Status of the States

Here's a look at several programs focused on enhancing the professional development of early childhood educators in high-need communities:

- *Oregon Center for Career Development in Childhood Care and Education* – The center contracts with agencies that teach Oregon Child Care Basics classes. The classes train early childhood educators in basic practices that encourage positive care and education of children. www.centerline.pdx.edu/
- *California Early Childhood Mentor Program* – Based at local colleges and universities, this program uses a peer recruitment and mentor plan to target early childhood educators in selected populations. The program offers scholarships for books and tuition. www.ecementor.org/
- *New York Tri-County Early Childhood Professional Development Project* – Many partners, including local schools, early care and education providers, and higher education institutions, work together to offer scholarships, mentoring programs and degree opportunities for early childhood educators. www.qualitykidcare.com/index.asp

Policy Questions for State Leaders To Consider

- What efforts are being made in your state to provide for the professional development of early childhood educators? What agencies are in charge of these efforts? Are their efforts well-coordinated?
- Do these efforts incorporate the latest thinking in literacy and numeracy development?
- How could existing partnerships between professional-development providers and local early childhood providers be expanded or improved through these grants?
- Which communities in your state would benefit most from this type of program?
- What evaluation processes will need to be put in place to ensure high-quality programs?

TROOPS TO TEACHERS

Requirements or Provisions

This program is designed to:

- Assist eligible members of the military to obtain certification or licensing and become "highly qualified" teachers
- Facilitate their employment by school districts.

Troops to Teachers
Title II, Part C, Subpart 1, Chapter A, Sec. 2301

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $18 million

Compliance
Unspecified

School Choice and Innovative Programs

ESEA 2001 revamps and expands the 21st Century Community Learning Centers program, which was created in the 1994 ESEA reauthorization. It provides funds for before- and after-school programs, summer school, tutoring and academic-enrichment programs for students, particularly those who attend low-performing schools.

Under the prior law, only public schools were eligible for funds. ESEA 2001 expands eligibility to school districts, community organizations, and other public or private entities.

ESEA 2001 also provides funds to help states and districts support charter schools, magnet schools and public school choice.

INNOVATIVE PROGRAMS

Requirements or Provisions

Grants will be provided to states for the support of a variety of programs, including charter schools, yearly student assessments and certain school safety programs. States will provide grants to school districts, which may use funds for such activities as charter schools, public school choice and magnet schools.

Allocation of Funds

Funds are to be allocated to states based on the population of children ages 5-17.

At least 85% of the funds sent to a state must be distributed to school districts, based on relative enrollments in public and private schools, for implementing innovative assistance programs.

Status of the States

No information available.

Policy Questions for State Leaders To Consider

- If your state chooses to participate in the innovative programs grant program, how will it use its funds to improve teaching and learning?
- What innovative activities will help your state meet its adequate yearly progress targets and reduce the achievement gap among students of different races, ethnicities and income levels?

Innovative Programs
Title V, Part A, Sec. 5101

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $385 million

Compliance
Unspecified

Charter School Programs
Title V, Part B, Subpart 1, Sec. 5201

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $200 million

Compliance
Unspecified

Related Links
ECS Issue Site on Charter Schools
www.ecs.org/html/issue.asp?issueid=20

Collection of ECS StateNotes About Charter Schools
www.ecs.org/clearinghouse/24/11/2411.htm

Requirements or Provisions

This section of the law provides grants to support the planning, design and initial implementation of charter schools. Only states with charter school laws are eligible for the grants. Priority will be given to states that meet certain criteria (e.g., the state provides for one authorized public chartering agency that is not a district).

State departments of education that receive grants from the secretary must use them for subgrants to one or more charter schools to enable them to plan and implement a charter school.

The law also authorizes a per-pupil facilities aid program of competitive five-year grants to states with already established per-pupil aid programs to assist charter schools with their facilities costs. These state programs must be specified in state law and provide annual funding on a per-pupil basis for charter school facilities. The federal government did not, however, appropriate money for the charter school facilities program for FY02.

Allocation of Funds

For the federal charter schools program (excluding the per-pupil facilities aid program), funds are to be allocated to state education departments and to charter schools on a competitive basis. If a state education department chooses not to apply, charter schools in the state may apply directly to the U.S. education secretary.

For the per-pupil facilities aid program, funds are to be allocated from the federal government to state departments of education on a competitive basis. State education departments are to allocate funds to charter schools on a per-pupil basis.

Status of the States

Currently, 37 states, the District of Columbia and Puerto Rico have enacted charter school laws. Of those, three states and the District of Columbia have created per-pupil facilities aid programs:

- Colorado provides $322 per pupil to charter schools for facilities expenses.
- The District of Columbia provides $1,058 per pupil to charter schools for facilities costs.
- Florida provides an annual per-pupil payment to charter schools for facilities costs in the amount of $835, $957 and $1,267 for elementary, middle and high schools, respectively.
- Minnesota provides lease aid to charter schools in the amount of 90% of lease costs or $1,500 per pupil.

(Source: Collection of ECS StateNotes About Charter Schools, www.ecs.org/clearinghouse/24/11/2411.htm)

Policy Questions for State Leaders To Consider

- If your state has enacted a charter school law, will it participate in the federal charter schools program?
- How will your state need to amend its charter school laws to meet the priority criteria established in the law (for example, that the state provide for one authorized public chartering agency that is not a district)?
- If your state has not enacted a charter school law, will it do so to become eligible for the program? If so, what barriers might exist to enacting a charter school law and how will your state address them?
- How will your state use grant money to support the creation and maintenance of successful charter schools?

CREDIT ENHANCEMENT INITIATIVES TO ASSIST CHARTER SCHOOL FACILITY ACQUISITIONS, CONSTRUCTION AND RENOVATION

Requirements or Provisions

This provision authorizes grants for innovative credit enhancement initiatives to help charter schools with the cost of acquiring, constructing and renovating facilities. Entities that are eligible to apply for grants are private, nonprofit organizations, governmental entities and consortia of these two types of entities.

Allocation of Funds

The federal government did not appropriate funds for this program in FY02.

Status of the States

Currently, 37 states, the District of Columbia and Puerto Rico have enacted charter school laws.

(Source: Collection of ECS StateNotes About Charter Schools, www.ecs.org/clearinghouse/24/11/2411.htm)

Policy Questions for State Leaders To Consider

If the federal government allocates funds for this program in the future, states will need to consider the following questions:

- Has your state enacted legislation that would make it eligible for this program? If not, will your state do so?
- If your state chooses to participate in the program, will any of the federal provisions conflict with policies your state has in place for funding charter school facilities? If so, how?
- If your state chooses to participate in the program, how will it use grant dollars to ensure that charter schools have safe and adequate facilities?

Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction and Renovation
Title V, Part B, Subpart 2, Sec. 5221

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
No FY02 funding appropriated

Compliance
Unspecified

Related Link
ECS Issue Site on Charter Schools
www.ecs.org/html/issue.asp?issueid=20

VOLUNTARY PUBLIC SCHOOL CHOICE

Voluntary Public School Choice
Title V, Part B, Subpart 3, Sec. 5241

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $25 million

Compliance
Unspecified

Related Links
ECS Issue Site on Choice
www.ecs.org/html/issue.asp?issueid=22

ECS Issue Site on Open Enrollment
www.ecs.org/ecsmain.asp?page=/html/issues.asp?am=1

ECS StateNotes: Open Enrollment, August 2001
www.ecs.org/clearinghouse/28/73/2873.htm

Requirements or Provisions

This provision of the law authorizes competitive grants of up to five years to eligible entities to establish or expand programs that provide students and parents with greater public school choice. Eligible entities are state departments of education, school districts or partnerships between the state department or a district and public, for-profit or nonprofit entities. Priority will be given to projects that provide the widest variety of school choice programs, including those that allow students in low-performing schools to attend higher-performing schools.

The law authorizes grantees to use program funds to:
- Plan the public school choice program (up to one year)
- Make tuition transfer payments to the schools that students choose to attend
- Increase the capacity of high-demand schools to serve greater numbers of students (program funds cannot be used for school construction, however)
- Carry out public information campaigns to inform parents and students about school choice opportunities
- Pay other costs reasonably necessary to implement a public school choice program.

Grantees will be required to use program funds to provide participating students with transportation, or pay transportation costs, to their school of choice. Students must be selected by lottery if more apply than can be accommodated.

Allocation of Funds

Competitive grants to state departments of education and school districts. Grantees may use up to 5% of the funds for administrative expenses. The U.S. Department of Education may use up to 5% of the funds for evaluation, information dissemination and technical assistance.

Status of the States

Thirty-three states and Puerto Rico have enacted open-enrollment policies.
- Nine states provide for *intradistrict* open enrollment, that is, they allow a student to transfer to another school within his or her school district. In six of the states, such policies are mandatory, and in the other three states, they are voluntary.
- Twenty-six states provide for *interdistrict* open enrollment, allowing a student to transfer to another school within another school district. In 10 states, the policies are mandatory, and in the other 16, they are voluntary.
- Nine states allow both *intradistrict and interdistrict* open-enrollment programs. In two states, they are mandatory, and in the other seven, they are voluntary.
- There is some overlap among these states, as 11 states have enacted multiple policies to govern *intradistrict and interdistrict* open enrollment.
- Four states also have enacted open-enrollment policies geared to address racial imbalances in schools and school districts (Connecticut, Massachusetts, Missouri and Wisconsin).

(*Source: ECS StateNotes: Open Enrollment*, August 2001, www.ecs.org/clearinghouse/28/73/2873.htm)

Policy Questions for State Leaders To Consider

- Will your state partner with a public, for-profit or nonprofit entity to apply for the grants? If so, with which partner(s), and how will the partnership be designed?
- Will your state enact or need to amend laws on public school choice to be eligible for the program? If so, how?
- How will your state provide transportation to students participating in the program?
- How will your state determine whether schools are at full enrollment capacity?

MAGNET SCHOOLS ASSISTANCE

Requirements or Provisions

Competitive grants will be available to school districts or consortia of districts for up to three years to establish and operate magnet schools in districts under a court-ordered or federally approved voluntary desegregation plan to eliminate, reduce or prevent minority-group isolation in elementary and secondary schools.

In the first year of the grant, no more than 50% of the grant funds may be used for planning. In the second and third years of the grant, no more than 15% of the funds may be used for planning.

The secretary of education may reserve up to 2% of the grant funds to evaluate the program.

Magnet Schools Assistance
Title V, Part C, Sec. 5301

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $110 million

Compliance
Unspecified

FOUNDATIONS FOR LEARNING GRANTS

Requirements or Provisions

This subsection seeks to improve the school readiness of young children, with a focus on their social and emotional well-being. Grants will be available to school districts, local councils, community-based organizations, or other public or nonprofit organizations. Services provided under these grants include help with substance abuse, domestic violence and child welfare issues. To be eligible for services, children must be under 7 years old and have two or more specified risk factors.

Foundations for Learning Grants
Promotion of School Readiness Through Early Childhood Emotional and Social Development
Title V, Part D, Subpart 14, Sec. 5542

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
No allocations

Compliance
Unspecified

Flexibility

The new law allows states and districts to transfer up to 50% of funds received for specific programs, either among those programs or into Title I.

The new law also authorizes two "flexibility demonstration projects," one for states and the other for districts. In the first, up to seven states will be selected to consolidate all state-administration and state-activity funding under several major ESEA programs, including Title I. In the other project, up to 150 school districts may enter into performance agreements with the U.S. Department of Education that will allow them to consolidate all aid under several major ESEA programs, excluding Title I.

STATE AND LOCAL TRANSFERABILITY ACT

Requirements or Provisions

State options

This provision allows a state to transfer up to 50% of the funds it receives for state-level activities among the following programs:

- Teacher quality state grants
- Educational technology
- Innovative programs
- Safe and drug-free schools
- 21st Century Community Learning Centers.

The law also allows a state to transfer up to 50% of the funds it receives from these programs to Title I, Part A, activities. The law requires each state transferring funds to notify the U.S. Department of Education in advance of the transfer(s), to modify its state plan to reflect the transfer(s) and submit a copy of the modified plan within 30 days of the transfer(s).

Funds may not be taken out of Title I, Part A.

District options

This provision allows a district that has not been identified as in need of improvement or corrective action under Title I of the law to transfer up to 50% of the funds allocated to it among the following programs: teacher quality state grants, educational technology state grants, innovative programs, and safe and drug-free schools. It also allows a district to transfer up to 50% of the funds allocated to it from these programs to the Title I, Part A, program.

A district identified as in need of improvement under Title I may transfer up to 30% of its allocation among the following programs: teacher quality state grants, educational technology state grants, innovative programs, and safe and drug-free schools. The district, however, must transfer the funds to either supplement its school improvement allocation or carry out Title I district improvement activities.

Allocation of Funds

While money is appropriated for each of the programs within the scope of this law (for example, teacher quality state grants), no money is specifically appropriated to carry out these provisions of the law.

Status of the States

No information available.

Policy Questions for State Leaders To Consider

- What are your state's priorities for improving student achievement within each of the applicable programs (e.g., teaching quality, technology, before- and after-school programs)?
- Are certain programmatic priorities more likely to improve student performance at a more significant rate than others? If so, which ones?
- Which programmatic priorities should receive additional funds to help improve student achievement?
- How will your state document that the transfer of funds among priorities actually improves student achievement?

State and Local Transferability Act
Title VI, Part A, Subpart 2, Sec. 6121

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
While funds are appropriated for each of the programs within the scope of this law (for example, teacher quality state grants), no money is specifically appropriated to carry out these provisions.

Compliance
Unspecified

STATE AND LOCAL FLEXIBILITY DEMONSTRATION

State and Local Flexibility Demonstration
Title VI, Part A, Subpart 3, Sec. 6131 and Sec. 6151

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
While funds are appropriated for each of the programs within the scope of this law (for example, teacher quality state grants), no money is specifically appropriated to carry out these provisions.

Compliance
Voluntary for states and school districts. If, however, one of the seven states or 80 districts selected by the secretary fails to meet adequate yearly progress for two consecutive years or fails to comply with the terms of the application, the secretary must terminate the application.

Requirements or Provisions

State Flexibility Demonstration Program
This provision authorizes the U.S. secretary of education to select up to seven states that will be able to consolidate the entire amount of money available for state-level activities and state administration under the following programs:

- Title I, Part A, and Reading First, except for the amount reserved for state-level professional development activities
- Teacher quality state grants
- Educational technology state grants
- Safe and drug-free schools, including programs reserved for the governor's program, with the consent of the governor
- Innovative programs
- 21st Century Community Learning Centers programs.

The selected states may use consolidated funds for any educational purpose authorized under the ESEA.

Each of the seven states must enter into performance agreements with at least four (and up to 10) school districts, at least half of which must have poverty rates of at least 20%. Each of the districts must consolidate their money from these programs in the same way as the state. To be eligible, a state must submit an application to the secretary that includes, among other things, a five-year plan describing how the state will use the consolidated funds to meet adequate yearly progress and advance the education priorities of the state.

Local Flexibility Demonstration Program
The secretary of education is authorized to enter into agreements, on a competitive basis, with up to 80 school districts (except those in the seven states described above) to enable them to consolidate funds under the following programs for five years:

- Teacher quality state grants
- Educational technology state grants
- Innovative programs
- Safe and drug-free schools programs.

A district may use consolidated funds for any educational purpose under the ESEA.

The secretary is prohibited from entering into performance agreements with more than three school districts from any single state. Districts are prohibited from using more than 4% of the consolidated funds for administrative purposes. To be eligible, a district must submit an agreement to the secretary that includes, among other things, a five-year plan describing how it intends to consolidate and use the funds to advance its education priorities, meet the general purposes of the included programs, improve student achievement and narrow the achievement gap.

Allocation of Funds

While funds are appropriated for each of the programs within the scope of this law (for example, teacher quality state grants), no money is specifically appropriated to carry out these provisions.

Status of the States

No information available.

Policy Questions for State Leaders To Consider

- Which of your state's education priorities require more funds than are currently allocated to meet performance targets?
- How will your state ensure that the consolidation of funds helps meet your performance targets and other goals?
- What criteria will your state use for selecting districts for performance agreements (for example, those districts that need the most help in meeting adequate yearly progress targets)?
- How will your state regularly evaluate the success of consolidating program funds and make adjustments if necessary?

RURAL EDUCATION INITIATIVE

Rural Education Initiative
Title VI, Part B, Sec. 6201

Mandated
Participation is voluntary.

Timeline
No specific timeline indicated

Funding Level
FY02 – $162 million

Compliance
Unspecified

Requirements or Provisions

Small, Rural School Achievement Program
This provision allows small, rural school districts to consolidate their allocations under the following programs:

- Teacher quality state grants
- Innovative programs
- Safe and drug-free schools
- Educational technology programs.

Districts will be allowed to use their consolidated funds to carry out activities authorized under the programs listed above, plus Title I and language-acquisition state grants.

Participating school districts must administer a student assessment consistent with Title I requirements. After a district's third year of participation in the program, the state must determine whether the district met the state's definition of adequate yearly progress, permit districts that met the definition to continue to participate, and permit a district that did not meet the definition to continue to participate only if it agrees to use its consolidated funds for Title I school-improvement activities. These requirements also apply to the Rural and Low-Income School Program listed below.

The term "rural" applies to people living outside urbanized areas in the open country or in communities of less than 2,500 inhabitants; it also includes those living in areas of extended cities with a population density of less than 1,000 inhabitants per square mile.

Rural and Low-Income School Program
Certain small, rural school districts with a child-poverty rate of at least 20% that did not qualify for funding under the Small, Rural School Achievement Program may consolidate and use funds for teacher recruitment and retention, professional development, educational technology, parental involvement activities, activities authorized under safe and drug-free schools, activities authorized under Title I, Part A, and activities authorized under Title III.

Funds are to be allocated to states, which then must determine a formula for allocating the money to school districts. In states that do not participate in the program, eligible districts may apply directly to the U.S. secretary of education. The law requires each state or eligible district that has applied directly to the secretary of education to establish, at a minimum, specific education goals and objectives related to increased student achievement, decreased student dropout rates and other factors that the state or district may choose to measure. State departments of education may not use more than 5% of the grant for administrative costs or technical assistance to eligible districts.

Allocation of Funds

For the Small, Rural School Achievement Program, funds will be distributed to districts in the following way:

- $20,000 plus $50 for each student in average daily attendance above 50 students in schools served by the district (capped at $60,000).
- This allocation will be reduced by the amount the district received the previous year under the teacher quality, innovative programs, safe and drug-free schools and educational technology programs.

For the Rural and Low-Income School Program, funds are to be distributed to states based on each state's share of students in average daily attendance in eligible districts. Participating states then have the option to allocate funds through:

- A formula based on a district's share of the number of students in average daily attendance in eligible districts within the state
- A competitive process
- An alternative formula that more effectively targets funds to high-poverty districts.

For eligible districts that apply directly to the secretary, funds are to be distributed through a formula based on a district's share of the number of students in average daily attendance in eligible districts within the state, or through a competitive process.

See Appendix H (column four) for state-by-state appropriations for rural school programs.

Status of the States

No information available.

Policy Questions for State Leaders To Consider

- If your state chooses to participate in the Rural and Low-Income School Program, how will it distribute funds to participating districts? Will your state use a formula based on a district's share of the number of students in average daily attendance in eligible districts within the state, a competitive process or an alternative formula that more effectively targets funds to high-poverty districts?
- How will your state determine whether districts participating in either the Small, Rural School Achievement Program or the Rural and Low-Income School Program have met the state's definition of adequate yearly progress after three years of participating in the program?

APPENDIX A

Alignment of Title I and General State Accountability Systems, 1999-2000

The following chart identifies states that had unitary vs. dual accountability systems as of 1999-2000, and their status toward meeting requirements under the 1994 ESEA reauthorization.

State	Unitary Systems	Dual Systems
Alabama	X	
Alaska		X
Arizona *		X
Arkansas		X
California	X	
Colorado		X
Connecticut	X	
Delaware [1]	X	
Florida	X	
Georgia [3]		X
Hawaii		X
Idaho		X
Illinois * [3]	X	
Indiana		X
Iowa	X	
Kansas [3]		X
Kentucky	X	
Louisiana	X	
Maine [2]		X
Maryland	X	
Massachusetts * [1]	X	
Michigan		X
Minnesota		X
Mississippi *		X
Missouri		X
Montana		X
Nebraska		X
Nevada		X
New Hampshire * [2]		X
New Jersey		X
New Mexico [3]	X	
New York [2]	X	
North Carolina	X	
North Dakota		X
Ohio	X	
Oklahoma		X
Oregon * [2]	X	
Pennsylvania		X
Rhode Island	X	
South Carolina *		X
South Dakota		X
Tennessee *		X
Texas	X	

State	Unitary Systems	Dual Systems
Utah		X
Vermont [1]	X	
Virginia *	X	
Washington		X
West Virginia	X	
Wisconsin *	X	
Wyoming [1]		X

[1] Scheduled to be implemented 2000-01
[2] Scheduled to be implemented 2000-01, pending federal approval
[3] Scheduled to be implemented 2000-01, pending state board approval
* Profiles on these states have not been fully verified yet by the state departments of education.

(*Source*: Margaret E. Goertz, Mark C. Duffy, with Kerstin Carlson Le Floch, *Assessment and Accountability Systems in the 50 States: 1999-2000*. CPRE Research Report Series RR-046, Consortium for Policy Research in Education [CPRE], University of Pennsylvania, Graduate School of Education, March 2001, www.gse.upenn.edu/cpre/Publications/rr46.pdf)

APPENDIX B

Examples of State Approaches to Comprehensive Data Systems

Few states have the infrastructure in place to support the level of data collection necessary under the new law. Here are some examples of state approaches to the development of such systems.

- **Florida** – Statute (Sec. 229.555) specifies educational planning and information systems, part of which are comprehensive management information systems. The system must be designed to collect, via electronic transfer, all student and school performance data necessary to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0229/SEC555.HTM&Title=->2001->Ch0229->Section%20555
- **Georgia's** Student Information System allows districts to submit data to the state over the Internet, with certain elements in specified fields. http://admin.doe.k12.ga.us
- **Massachusetts** – The Massachusetts Department of Education has developed a comprehensive Web-based system, the Information Management System (IMS), to replace the paper-based data collection and information exchange system between the department and the school districts. The IMS is broken up into three functions: "smart forms," Student Information Management System (SIMS) and Directory Administration. "Smart forms" are designed to report aggregated district data using a Web browser. Districts can directly enter, edit, retrieve and transfer data to the state department. The forms have built-in validations that automatically summarize all data within the form, retain contact information and permit superintendent sign-off. SIMS is the cornerstone of the project that will support the education reform requirements for student assessment and evaluation of school programs. Massachusetts requires each school district to adopt and maintain a reliable data collection system, with a "unique, permanent and unduplicated ID" for each student.
  www.doe.mass.edu/edtech/administrative/ims/
  Pertinent **Massachusetts** regulations may be found at: www.doe.mass.edu/lawsregs/603cmr10.html#10.03.
- **North Carolina** has developed the Student Information Management System and the NC WISE Project, a sophisticated database system that allows data to be collected, stored and analyzed. This system was selected following requests for proposals and has two phases. The NC WISE data center stores all information and provides real-time access for every user with security rights. www.ncpublicschools.org/conf/accountability/handouts/y2k&wiseaccnt299/sld001.htm
- **Ohio's** Education Management Information System (EMIS) provides the infrastructure necessary to determine how well schools and districts are doing. Use the following link to access the system. Click on the "Data" tab, then select EMIS. www.ode.state.oh.us
- **Oregon** – H.B. 3535 directed the state department of education to develop a uniform budget and accounting system for districts. Phase One of the Database Initiative Project consisted of 16 pilot districts and ended in 1999. Phase Two is statewide implementation, consisting of four tracks: (1) database development and Web reporting, (2) technical architecture and data loading, (3) business process redesign and change movement, and (4) implementation.
  www.ode.state.or.us/projects/dbi/index.htm
- **Oregon** – The Secure Student ID Project establishes a process for the state education department to assign a unique student identifier to each student in the state. Particular emphasis will be placed on ensuring that only those with a right to access data are able to do so. Each student will be assigned an ID before the next time they take a state assessment. Students who are new to the state will be assigned a student ID when they enroll in an Oregon school, and at least by the time they take their first Oregon assessment. Since the Technology Enhanced Student Assessment system will allow schools to test students whenever needed, most students will take their first assessment very soon after enrolling in an Oregon school. Thereafter, the student ID number will be attached to all assessment scores and program participation information. Every time the department collects information about students, the student ID will be attached to the information, allowing information about multiple assessments and program information to be connected with a particular student. When a student moves from one district to another or changes his or her name, the student information will follow, facilitated by the student ID. (Oregon Department of Education Executive Memorandum 305-2000-01)

- **South Carolina's** Osiris has been the student information system in use for over a decade. In May 1999, the state department awarded a contract to National Computer Systems to provide a set of four Windows-based software systems customized to meet South Carolina's needs for statewide implementation. All the systems have graphical user interfaces for user-friendly operation and are designed for seamless data-sharing (where appropriate) to eliminate duplicate data entry. The new student information system and its sister systems are being provided at no cost to all districts. Installation, data conversion (from Osiris), training and user and technical support are also provided under this contract, using a combined delivery approach involving both the vendor and the state department of education.
- **Tennessee's** Education Information System (EIS) is to provide the department of education with:
  - A manageable, centralized repository of information to provide accurate student and staff data necessary for determining school quality and allocating state funds
  - The capability to accept and process extract files received from local student-management software packages
  - The capability to produce detailed error reports generated from the processing of extract files
  - Specified standardized reporting, as well as access to information through query and ad hoc reporting
  - The capability for school districts to have online access and inquiry to their respective information
  - The capability to produce export files for the purpose of importing into various applications and software
  - A flexible system that can respond to constantly changing legislative mandates
  - A year 2000-compliant system. www.state.tn.us/education/sm_menu.htm
- **Texas** – In compliance with the Texas Education Code, the Public Education Information Management System (PEIMS) contains data necessary for the legislature and the Texas Education Agency (TEA) to perform their legally authorized functions in overseeing public education. PEIMS encompasses all data requested and received by TEA about public education, including student demographic and academic performance, personnel, financial and organizational information. PEIMS is classified into two broad categories:

  A. Data collected through the PEIMS electronic collection method, using:
     1. A standard set of definitions, codes, formats, procedures and dates for the collection of data (Data Standards)
     2. Standard edit procedures
     3. An established database design
     4. A production system for formatting and loading data into TEA's enterprise database
     5. Written documentation describing the numeric and alphanumeric values stored in the database (Data Documentation).

  B. Any other collections, calculations and analyses of data used for evaluating, monitoring or auditing public education (such as state assessment, federal funding and Foundation School Program data). www.tea.state.tx.us/peims/

APPENDIX C

Resources for Adequate Yearly Progress

CRESST Line Special Issue: "Measuring Adequate Yearly Progress" – This newsletter from the National Center for Research on Evaluation, Standards and Student Testing (CRESST) focuses on federal requirements for demonstrating adequate yearly progress (AYP). It shows that defining AYP differently can produce different results – even when the definitions are similar. Using actual NAEP data, the article illustrates whether different states could be considered to have made AYP under two different AYP targets. One AYP target goal is 25% more students at proficient levels in three years, and the other is 25% fewer students below proficient levels in three years. Although they seem like mirror images of each other, these formulas make big differences in whether progress is considered adequate. The authors note that there is limited experience with setting AYP targets, but suggest many current progress goals are set according to wishful thinking rather than a realistically obtainable standard. They suggest that norms of earlier performance be compared with achievement levels in any given year to help clarify empirically what types of expectations for progress are reasonable. (CRESST, Spring 1999)
www.cse.ucla.edu/CRESST/Newsletters/CLsp99.pdf

California Rewarding Schools Based on Gains: It's All in How You Calculate the Index and Set the Target – An accountability system includes three core parts: the index, target and series of consequences. Based on school-level information from all public elementary, middle and high schools in California, this report asserts that test-based accountability results can be interpreted differently depending on how the index and targets are used. The index is the scale used to rate the school's performance and is derived from the performance of students on tests, as well as other factors. The target is the index value(s) used to determine a school's status in the accountability system and is derived from the absolute value of the index, growth in the index or a combination of the two. The school's standing with respect to the target leads to positive or negative consequences. The report concludes that school systems should consider alternatives to test-based accountability systems (Brian Stecher and Jeremy Arkes, RAND, April 2001). For a free copy of this report, call RAND's toll free number: 1.877.584.8642 or fax: 1.310.451.6915 or mail your order to: P.O. Box 2138, Santa Monica, CA 90407-2138.
www.rand.org/cgi-bin/Abstracts/ordi/getabbydoc.pl?doc=DRU-2532

APPENDIX D

Description of Corrective Actions for Low-Performing Schools

For states and school districts receiving Title I funds, ESEA 2001 outlines requirements in terms of setting a timeline and establishing consequences for school and district performance relative to adequate yearly progress (AYP). It is unclear whether these requirements apply to all schools in the state. On the one hand, the requirements are limited to districts and schools receiving Title I funds, but on the other hand, a unitary Title I state accountability system is required in the law. School districts and state departments of education have parallel responsibilities in the intervention process for schools and districts, respectively.

Based primarily on performance on state reading and mathematics measures, which the state is obligated to provide to districts prior to the next school year, districts are to take action in five steps, each of which is to be published and disseminated to the public and to parents:

Step I. School districts identify any funded schools that fail to make AYP for two consecutive years, taking into account school-provided alternative evidence.

Step II. Districts (a) provide student choice alternatives, (b) initiate and monitor the school-improvement planning process, and (c) provide targeted technical assistance.

- Immediately after identification, districts must provide all of the students in any of these schools the option to transfer to another higher-performing school in the district, and to fund the transportation costs for these students, using up to 15% of its allocation under Title II, Subpart 2, and giving priority to the lowest-achieving children from low-income families. If all schools in the district are low performing, the district must enter into cooperative agreements with other districts.
- Identified schools must develop two-year improvement plans that are targeted to problem areas, incorporate strategies from scientifically based research, and adopt policies and practices designed to meet the AYP goals of having all students at proficient or advanced levels in 12 years. At least 10% of school-level Title I funds are to be allocated to professional development for teachers and principals, and the district must establish a peer-review process for schools identified as needing improvement.
- Districts or the state will provide identified schools with technical assistance, including assistance with analyzing assessment data to target interventions; assistance in identifying professional development and other improvement strategies based on scientifically based research; and assistance in aligning funding streams to support improvement efforts at the school level.

Step III. This step takes place when schools fail to make AYP by the end of the first year in which they are identified. School districts continue to offer the services in Step II, but also must provide supplemental education services to students, using providers screened by the state and selected in collaboration with parents.

Step IV. Districts must take "corrective action" by the end of the second full year after identification if schools are not making AYP. In addition to the services in Steps II and III, "corrective action" includes at least one of the following actions:

- Replacing school staff considered relevant to the failure to make AYP
- Implementing a new curriculum with professional development, based on scientifically based research
- Significantly decreasing management authority at the school level
- Appointing an outside expert to advise the school on progress
- Extending the school day or year
- Restructuring the school's internal organization.

Step V. "Restructuring" follows if, after one full school year of corrective action, the school fails to make AYP. School districts, by the beginning of the school year after identification, in addition to following steps II and III, must institute alternative governance arrangements (consistent with state law). These arrangements include:

- Reopening the school as a public charter
- Replacing all or most of the staff considered relevant to failure to make AYP
- Contracting with a private management company (with a demonstrated track record of effectiveness) to manage the school
- Turning school operations over to the state department of education
- Any other major restructuring required.

If schools make AYP for two consecutive years, they are taken off the list. Students who have opted to transfer from those schools may remain, but districts only are obligated to fund their transportation while their home schools are low performing.

APPENDIX E

Teacher Preparation and Certification

How state policies match ESEA 2001 requirements for elementary school teachers:

- All states require a bachelor's degree.
- Thirty states and the District of Columbia require teachers to have passed a test demonstrating basic skills in reading, writing and math prior to receiving a teaching certificate:

Alaska	Louisiana	Oklahoma
Arkansas	Maryland	Oregon
California	Massachusetts	Pennsylvania
Connecticut	Michigan	South Carolina
Delaware	Minnesota	South Dakota
District of Columbia	Montana	Vermont
Florida	Nebraska	Virginia
Georgia	Nevada	West Virginia
Hawaii	New Hampshire	Wisconsin
Illinois	New Mexico	
Kansas	Ohio	

  Indiana tests reading and writing only.

- Seven states test reading, writing and math prior to admission to state teacher preparation programs:

Alabama	North Dakota
Kentucky	Texas
Missouri	Washington
North Carolina	

  This requirement affects in-state institution graduates, but not candidates coming from other states.

- Twenty-one states require teachers to have passed a "knowledge of teaching" exam:

Arizona	Maine	Ohio
Arkansas	Maryland	Oklahoma
Florida	Mississippi	Pennsylvania
Hawaii	Nevada	South Carolina
Indiana	New Mexico	Tennessee
Kansas	New York	Texas
Louisiana	North Dakota	Utah

  In addition, Alabama uses the college of education's exit exam for this purpose.

- For all grade levels, 12 states require a subject-area major rather than a major in education

California	Maine	New Jersey
Colorado	Maryland	New York
Connecticut	Massachusetts	Tennessee
Delaware	Michigan	Texas

APPENDIX E (CONT.)

How state policies match ESEA 2001 requirements for middle and secondary school teachers:

- All states require a bachelor's degree.
- Middle or high school level teachers in 31 states and the District of Columbia also must pass a subject-area test:

Alabama	Indiana	Oklahoma
Arizona	Louisiana	Oregon
Arkansas	Maryland	Pennsylvania
California	Michigan	South Carolina
Colorado	Mississippi	South Dakota
Connecticut	Missouri	Tennessee
District of Columbia	Nevada	Texas
Florida	New Hampshire	Vermont
Georgia	New Jersey	Virginia
Hawaii	North Carolina	West Virginia
Illinois	Ohio	

- Seven states and the District of Columbia require a major for middle school or junior high level:
  Colorado
  Connecticut
  District of Columbia
  Massachusetts
  Minnesota
  New Hampshire
  In New York and Oregon, teachers of math, science or social science must major in that subject area.
- Five states require either a major or a minor:
  Minnesota
  North Dakota
  Rhode Island
  Utah
  Vermont
- For high school or general secondary level certificates, 20 states and the District of Columbia require a major in the subject area taught:

Arizona	Hawaii	Nevada
Colorado	Illinois	New Jersey
Connecticut	Kentucky	New York
Delaware	Maine	Oregon
District of Columbia	Minnesota	South Dakota
Florida	Mississippi	Tennessee
Georgia	Nebraska	Wyoming

(*Source: Manual on the Preparation and Certification of Educational Personnel*, National Association of State Directors of Teacher Education and Certification, 2001)

APPENDIX F

Elementary and Secondary Education Act Appropriations to States and Territories

For more information on state allocations for ESEA and other federal education funding, please visit the U.S. Department of Education "Budget News" Web site, www.ed.gov/offices/OUS/budnews.html.

	Total ESEA Appropriations FY01-02	Difference in Total ESEA Appropriations FY01-02	Percentage Difference in Total ESEA Appropriations From FY01-02
Alabama	$ 722,306,296.00	$ 87,159,915.00	12.1%
Alaska	231,942,313.00	20,663,455.00	8.9%
Arizona	885,222,247.00	123,669,873.00	14.0%
Arkansas	430,614,011.00	55,710,171.00	12.9%
California	5,402,631,085.00	835,775,543.00	15.5%
Colorado	502,569,073.00	72,792,971.00	14.5%
Connecticut	399,432,995.00	58,181,075.00	14.6%
Delaware	118,860,045.00	18,099,568.00	15.2%
District of Columbia	149,885,208.00	19,104,798.00	12.7%
Florida	2,148,773,340.00	295,556,338.00	13.8%
Georgia	1,172,115,672.00	176,627,655.00	15.1%
Hawaii	194,606,024.00	32,031,902.00	16.5%
Idaho	204,868,073.00	28,255,171.00	13.8%
Illinois	1,714,819,104.00	229,775,264.00	13.4%
Indiana	778,163,370.00	98,962,739.00	12.7%
Iowa	388,825,399.00	42,881,412.00	11.0%
Kansas	391,246,443.00	49,090,038.00	12.5%
Kentucky	648,259,425.00	75,721,957.00	11.7%
Louisiana	832,005,241.00	95,978,137.00	11.5%
Maine	200,227,041.00	23,169,610.00	11.6%
Maryland	642,647,604.00	91,764,351.00	14.3%
Massachusetts	902,415,584.00	116,603,048.00	12.9%
Michigan	1,436,006,764.00	172,637,267.00	12.0%
Minnesota	609,443,355.00	75,643,983.00	12.4%
Mississippi	553,049,564.00	48,719,854.00	8.8%
Missouri	780,132,542.00	89,691,187.00	11.5%
Montana	204,088,117.00	22,799,134.00	11.2%
Nebraska	249,943,834.00	27,207,713.00	10.9%
Nevada	191,451,703.00	32,872,257.00	17.2%
New Hampshire	154,291,161.00	20,654,390.00	13.4%
New Jersey	1,054,120,268.00	146,146,672.00	13.9%
New Mexico	439,345,150.00	57,519,213.00	13.1%
New York	3,560,694,228.00	467,770,818.00	13.1%
North Carolina	1,027,082,50[illegible].00	142,666,630.00	13.9%
North Dakota	163,426,035.00	20,599,056.00	12.6%
Ohio	1,471,303,600.00	153,135,981.00	10.4%
Oklahoma	611,608,017.00	79,574,475.00	13.0%
Oregon	456,650,764.00	59,781,738.00	13.1%
Pennsylvania	1,647,006,799.00	178,337,460.00	10.8%
Rhode Island	178,497,246.00	23,157,873.00	13.0%

	Total ESEA Appropriations FY01-02	Difference in Total ESEA Appropriations From FY01-02	Percentage Difference in Total ESEA Appropriations From FY01-02
South Carolina	$ 596,047,718.00	$ 82,496,142.00	13.8%
South Dakota	182,296,254.00	20,769,382.00	11.4%
Tennessee	745,365,825.00	83,499,503.00	11.2%
Texas	3,356,434,113.00	469,573,967.00	14.0%
Utah	331,311,039.00	40,418,733.00	12.2%
Vermont	122,844,923.00	16,155,089.00	13.2%
Virginia	897,959,459.00	126,159,550.00	14.0%
Washington	771,957,537.00	105,241,504.00	13.6%
West Virginia	325,157,926.00	32,515,069.00	10.0%
Wisconsin	683,260,551.00	82,576,489.00	12.1%
Wyoming	118,201,175.00	16,280,113.00	13.8%
American Samoa	18,266,648.00	(709,294.00)	-3.9%
Guam	32,784,668.00	(999,915.00)	-3.0%
N. Mariana Is.	11,259,725.00	(565,349.00)	-5.0%
Puerto Rico	1,288,443,921.00	159,324,220.00	12.4%
Virgin Islands	32,382,115.00	(1,140,889.00)	-3.5%
Palau	2,359,185.00	179,595.00	7.6%
Marshall Islands	2,396,927.00	78,419.00	3.3%
Micronesia	6,476,842.00	382,753.00	5.9%
Indian Tribes	212,803,652.00	21,544,467.00	10.1%
Other	124,954,496.00	996,915,760.00	80.3%
Total	**$44,829,542,000.00**	**$6,717,186,000.00**	**15.0%**

(*Source:* U.S. Department of Education)

APPENDIX G

Elementary and Secondary Education Act
Appropriations to States and Territories – Title I Funding

For more information on state allocations for ESEA and other federal education funding, please visit the U.S. Department of Education "Budget News" Web site, http://www.ed.gov/offices/OUS/budnews.html.

	Title I Grants to School Districts FY01-02	Title I Reading First FY01-02	Total Title I Appropriations for FY01-02
Alabama	$ 155,628,428.00	$ 15,586,984.00	$ 182,078,701.00
Alaska	29,752,037.00	2,158,750.00	41,319,413.00
Arizona	172,183,520.00	17,699,993.00	205,905,156.00
Arkansas	97,007,550.00	9,885,535.00	116,551,596.00
California	1,454,320,710.00	132,972,937.00	1,777,579,126.00
Colorado	96,801,881.00	9,001,635.00	116,732,356.00
Connecticut	104,993,935.00	7,392,983.00	121,094,710.00
Delaware	27,707,124.00	2,158,750.00	32,108,190.00
District of Columbia	34,276,009.00	2,158,750.00	39,151,127.00
Florida	508,160,278.00	45,638,330.00	602,833,834.00
Georgia	313,423,759.00	27,838,020.00	365,649,565.00
Hawaii	33,096,304.00	2,759,438.00	38,642,491.00
Idaho	32,854,552.00	3,392,098.00	42,725,003.00
Illinois	434,395,790.00	32,809,085.00	490,410,723.00
Indiana	156,602,470.00	12,908,193.00	182,391,057.00
Iowa	61,732,442.00	5,753,307.00	72,226,834.00
Kansas	74,091,566.00	6,399,468.00	95,557,490.00
Kentucky	151,986,272.00	13,742,471.00	182,387,023.00
Louisiana	213,423,855.00	19,216,464.00	245,563,242.00
Maine	37,868,222.00	2,612,181.00	46,991,817.00
Maryland	155,833,224.00	11,345,141.00	176,044,629.00
Massachusetts	220,831,736.00	15,301,143.00	249,632,331.00
Michigan	413,105,761.00	28,473,719.00	469,401,056.00
Minnesota	113,569,634.00	9,678,552.00	131,949,677.00
Mississippi	130,434,516.00	11,105,435.00	148,914,903.00
Missouri	163,055,858.00	14,908,815.00	187,858,252.00
Montana	34,531,081.00	2,941,386.00	40,227,953.00
Nebraska	37,326,774.00	3,024,000.00	47,698,560.00
Nevada	41,282,156.00	4,036,470.00	47,745,609.00
New Hampshire	26,867,653.00	2,158,750.00	31,196,437.00
New Jersey	256,826,355.00	18,426,354.00	290,707,962.00
New Mexico	81,799,806.00	8,390,433.00	94,952,570.00
New York	1,032,375,727.00	68,449,761.00	1,157,369,046.00
North Carolina	212,161,209.00	20,739,819.00	249,889,687.00
North Dakota	26,489,360.00	2,158,750.00	30,665,080.00
Ohio	337,437,032.00	26,895,020.00	383,644,914.00
Oklahoma	120,908,903.00	12,536,251.00	141,325,202.00
Oregon	93,934,214.00	7,395,755.00	120,542,681.00
Pennsylvania	402,767,363.00	28,110,897.00	459,254,572.00
Rhode Island	34,371,352.00	2,477,709.00	39,305,592.00

	Title I Grants to School Districts FY01-02	Title I Reading First FY01-02	Total Title I Appropriations for FY01-02
South Carolina	$ 137,632,002.00	$ 13,639,293.00	$ 159,037,982.00
South Dakota	27,401,602.00	2,201,077.00	32,344,575.00
Tennessee	152,166,035.00	14,372,449.00	174,229,375.00
Texas	831,453,332.00	79,005,865.00	1,004,962,401.00
Utah	43,611,461.00	4,661,709.00	52,513,446.00
Vermont	22,405,049.00	2,158,750.00	27,054,271.00
Virginia	170,564,370.00	16,916,142.00	196,582,466.00
Washington	143,613,590.00	13,181,965.00	179,529,942.00
West Virginia	81,065,612.00	6,128,379.00	91,225,593.00
Wisconsin	152,643,329.00	11,117,594.00	172,548,083.00
Wyoming	23,883,476.00	2,158,750.00	28,385,991.00
American Samoa	7,267,105.00	—	7,440,544.00
Guam	6,248,884.00	—	6,398,022.00
N. Mariana Is.	3,535,247.00	—	3,619,620.00
Puerto Rico	330,378,724.00	27,318,495.00	376,144,708.00
Virgin Islands	12,372,419.00	—	12,667,704.00
Palau	—	—	—
Marshall Islands	—	—	—
Micronesia	—	—	—
Indian Tribes	69,041,345.00	—	70,689,110.00
Other	8,500,000.00	36,500,000.00	87,400,000.00
Total	**$10,350,000,000.00**	**$900,000,000.00**	**$12,179,000,000.00**

Note: Total Title 1 funding includes the following items: Grants to school districts, Even Start, Reading First, Migrant, Neglected and Delinquent and Comprehensive School Reform.

(*Source*: U.S. Department of Education)

APPENDIX H

Elementary and Secondary Education Act
Appropriations To States and Territories - Other Programs

For more information on state allocations for ESEA and other federal education funding, please visit the U.S. Department of Education "Budget News" Web site, http://www.ed.gov/offices/OUS/budnews.html.

	State Grants for Improving Teacher Quality FY01-02	Comprehensive School Reform FY01-02	State Assessments FY01-02	Rural & Low-Income Schools Program FY01-02
Alabama	$ 45,407,256.00	$ 1,094,108.00	$ 6,130,489.00	$ 4,369,877.00
Alaska	13,637,700.00	207,520.00	3,593,762.00	251,886.00
Arizona	45,188,052.00	1,338,561.00	6,829,922.00	1,211,211.00
Arkansas	27,741,109.00	680,974.00	4,948,420.00	3,024,276.00
California	333,515,671.00	9,065,309.00	28,937,880.00	2,521,856.00
Colorado	31,542,988.00	1,096,861.00	6,138,367.00	630,536.00
Connecticut	26,919,099.00	860,921.00	5,463,289.00	29,113.00
Delaware	13,637,700.00	186,671.00	3,534,107.00	309,497.00
District of Columbia	13,637,700.00	95,942.00	3,274,513.00	—
Florida	129,687,133.00	3,693,629.00	13,568,301.00	2,871,086.00
Georgia	75,296,682.00	2,083,860.00	8,962,390.00	7,087,671.00
Hawaii	13,637,700.00	294,859.00	3,843,658.00	—
Idaho	13,637,700.00	363,547.00	4,040,190.00	278,682.00
Illinois	115,525,917.00	3,250,754.00	12,301,136.00	1,376,969.00
Indiana	47,572,264.00	1,573,852.00	7,503,143.00	360,157.00
Iowa	22,177,964.00	757,584.00	5,167,619.00	245,490.00
Kansas	22,711,020.00	726,199.00	5,077,820.00	568,087.00
Kentucky	44,062,238.00	996,869.00	5,852,266.00	4,687,636.00
Louisiana	63,521,150.00	1,235,936.00	6,536,291.00	3,762,017.00
Maine	13,637,700.00	314,993.00	3,901,266.00	233,353.00
Maryland	41,499,865.00	1,358,313.00	6,886,440.00	270,195.00
Massachusetts	52,504,307.00	1,518,815.00	7,345,671.00	158,992.00
Michigan	110,072,408.00	2,690,036.00	10,696,796.00	2,010,129.00
Minnesota	38,709,422.00	1,340,890.00	6,836,588.00	236,510.00
Mississippi	40,360,743.00	776,728.00	5,222,392.00	4,756,851.00
Missouri	49,248,890.00	1,462,563.00	7,184,722.00	2,031,554.00
Montana	13,637,700.00	240,963.00	3,689,448.00	482,164.00
Nebraska	13,914,643.00	464,258.00	4,328,346.00	8,160.00
Nevada	13,681,406.00	491,766.00	4,407,054.00	18,595.00
New Hampshire	13,637,700.00	325,294.00	3,930,740.00	26,386.00
New Jersey	65,261,620.00	2,060,161.00	8,894,583.00	34,074.00
New Mexico	22,884,969.00	513,949.00	4,470,524.00	1,854,889.00
New York	230,034,064.00	4,553,322.00	16,028,077.00	3,339,185.00
North Carolina	61,916,861.00	1,985,060.00	8,679,701.00	3,661,393.00
North Dakota	13,637,700.00	170,456.00	3,487,712.00	110,669.00
Ohio	104,152,949.00	2,968,811.00	11,494,434.00	1,465,025.00
Oklahoma	33,834,784.00	916,449.00	5,622,166.00	2,746,557.00
Oregon	27,087,957.00	857,824.00	5,454,426.00	751,087.00
Pennsylvania	113,128,404.00	3,020,414.00	11,642,083.00	998,545.00
Rhode Island	13,637,700.00	252,793.00	3,723,299.00	—

APPENDIX H (CONT.)

	State Grants for Improving Teacher Quality FY01-02	Comprehensive School Reform FY01-02	State Assessments FY01-02	Rural & Low-Income Schools Program FY01-02
South Carolina	$ 36,399,845.00	$ 991,271.00	$ 5,836,249.00	$ 3,610,446.00
South Dakota	13,637,700.00	209,201.00	3,598,571.00	211,088.00
Tennessee	47,438,323.00	1,374,558.00	6,932,920.00	2,334,654.00
Texas	231,026,718.00	5,756,914.00	1,9471,823.00	8,624,349.00
Utah	18,265,545.00	701,224.00	5,006,359.00	118,644.00
Vermont	13,637,700.00	151,428.00	3,433,269.00	15,786.00
Virginia	52,135,869.00	1,713,350.00	7,902,279.00	2,447,558.00
Washington	46,553,694.00	1,547,165.00	7,426,785.00	859,071.00
West Virginia	23,453,351.00	427,180.00	4,222,259.00	3,143,146.00
Wisconsin	45,927,582.00	1,434,334.00	7,103,951.00	278,231.00
Wyoming	13,637,700.00	136,075.00	3,389,341.00	14,167.00
American Samoa	—	86,998.00	—	N/A
Guam	—	202,970.00	—	N/A
N. Mariana Islands	—	49,573.00	—	N/A
Puerto Rico	93,847,138.00	1,169,486.00	6,346,163.00	—
Virgin Islands	—	167,223.00	—	N/A
Palau	—	—	—	—
Marshall Islands	—	—	—	—
Micronesia	—	—	—	—
Indian Tribe Set Aside	—	243,236.00	—	406,250.00
Other	28,500,000.00	750,000.00	20,700,000.00	406,250.00
Total	**$2,850,000,000.00**	**$75,000,000.00**	**$387,000,000.00**	**$81,250,000.00**

(*Source*: U.S. Department of Education)

APPENDIX I

Related ECS Publications

- *No State Left Behind: The Challenges and Opportunities of ESEA 2001* (GP-02-01), 70 pages, $12.50 plus postage and handling – Summarizes the ESEA 2001 law, looks at where the states stand in regard to requirements of the new law and suggests policy questions to consider when deciding how to respond to ESEA.

Also available from ECS are publications that summarize and explain the ESEA as proposed by President Bush:

- *Building on Progress: How Ready Are States To Implement President BushΔs Education Plan?* (GP-01-01), 20 pages, $6.50 plus postage and handling – Examines how prepared states are to implement the new ESEA. Looks at state efforts to date in testing, standards, choice, school safety, rewards and sanctions, and other issues.
- *A Closer Look: State Policy Trends in Three Key Areas of the Bush Education Plan – Testing, Accountability and School Choice* (GP-01-02), 36 pages, $6.50 plus postage and handling – Provides a detailed look at where states stand in assessing student performance, motivating and assisting low-performing schools, and providing school choice options.

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